# THE
# Parliamentary Register

OR,

# HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

# HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate Copies of the most remarkable LETTERS and PAPERS; of the most material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

FOURTH SESSION of the SIXTEENTH PARLIAMENT

OF

GREAT BRITAIN.

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TO

## VOLUME THE TWENTY SECOND.

The

Speech

New

# HOUSE OF LORDS.

THE

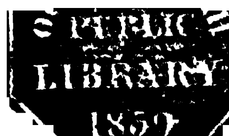
# THE HISTORY OF THE PROCEEDINGS AND DEBATES OF THE HOUSE of COMMONS,

In the FOURTH SESSION of the

Sixteenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER

On TUESDAY the 18th of MAY, 1784




*Thursday, 29th March, 1787.*

THE Report of the Resolutions come to by the Committee with respect to the consolidation duty, on the preceding Monday, having been brought up by the Earl of Mornington, and read a first time, at the table, as far as the Resolution, No. 2581, being the first relative to Portugal wines, and the question being put, "that these resolutions "be read a second time,"

Sir *Grey Cooper* remarked, that as the resolution now reported for the reduction of the duty on Portugal wines, was the very measure which, when he had the honour of seconding a motion made by a right honourable gentleman, he had presumed to suggest for saving the Methuen Treaty from the peril to which he thought it exposed, even before the treaty, still pending between the court of Lisbon and His Majesty's Minister, was finally adjusted, he could not certainly give his vote for disagreeing with the resolution. As he still continued to be of opinion, with great deference however to the judgement of the Speaker and of the House, that the Committee, from which this resolution was reported, was not competent, under the words of its appointment, or the line Sir Grey Cooper.

of the matters referred to it, to come to this *resolution*, he would move "that this *resolution be recommitted*," and if that question should be carried, he would follow it by another motion, "That it be an instruction to the said Committee, that they do consider of the reduction of the duty "on Portugal wines." He hoped the House would not think he trespassed too far upon their patience, in pressing this matter once more to their consideration: what he said before the House went into the Committee on this point, was merely as a notice. He would not repeat what he had urged upon that occasion; the subject was dry, but however imperfectly he might state it, he conceived it could not be uninteresting to the House, and particularly to the old members, as it materially affected some of the forms of proceeding; the inviolable observance of which appeared to him to be of the most essential consequence to the credit, respect, and authority of that House. He would only add to what he said yesterday, that if the French treaty had been referred to this Committee, he would admit that, under the reservation in the seventh article of that treaty with respect to Portugal, the resolution for reducing the duty on Portugal wine might have been justified. But that was not the case; and there was nothing in the order for the appointment and constitution of the Committee, or in the matters referred to it after its appointment, which gave any authority whatsoever to impose or to reduce any duties, except in so far as the construction of the word *simplifying* can be fairly carried; and that, as he conceived, did not go beyond the powers of converting fractions, in computation of duties, into integral sums. If the present mode of proceeding (which had, he conceived, passed by inadvertency, though that was not admitted) should be adopted by the House as regular, a Minister in future might carve a Committee out of a paragraph in a King's Speech, containing general and unprecise words, such as commercial regulations, or farther plans for the reduction of the national debt, and under the cover of the generality of those words, dispense with the ancient forms, which were the conditions that the wisdom of the House had imposed upon itself in all its proceedings, and particularly in the exercise of its sole right of either laying burdens upon the people, or of lessening the weight of those under which they were at present labouring.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* observed, that having, on a former very recent occasion, been called upon by the honourable Baronet, in relation to the very same subject, and having then delivered his sentiments concerning it at full length, he should not again take up the time of the House by a repetition of what he had already stated; but content himself with one

*short observation which he flattered himself would give full* satisfaction to the honourable Baronet. The honourable Baronet had himself stated, that the Committee were unquestionably authorised to repeal all the duties, and again to re-enact others in their stead. But he surely would not contend, that in re-enacting others, it was bound to confine itself to a fixed and stipulated sum, for the very essence and spirit of the whole transaction necessarily required a difference between the old and the new duties.

The question of Sir Grey Cooper being put, "that these "resolutions be re-committed," was carried in the negative. The resolutions were then read a second time, and agreed to by the House.

The order of the day was read for the House to resolve itself into a Committee of the whole House, upon the consolidation duty bill, and the Chancellor of the Exchequer having moved an instruction to the Committee, to provide in the bill for the resolutions contained in the Report of the consolidation duty Committee, to which the House had just agreed, the question was put, "that the Speaker leave the "Chair," which being carried, Mr. Steele took his seat at the table.

Mr. Francis.

Mr. *Francis* then begged leave to put a question, which he said, he had before proposed to the right honourable gentleman, when the House had been in a Committee on the resolutions come to upon the commercial treaty with France. He had at that time asked, why French laces were not to be put on the same footing as French cambrics? The answer he had received, as nearly as his memory would serve, was, that though they made no article of the tariff, the laces of France were to be imported upon as low a duty as was paid by the laces of the most favoured nation. Since the day on which he had put the question, Mr. Francis said, he had inquired into the matter, and he did assure the right honourable gentleman, that he had spared no pains to get at correct information upon the subject. The result of his inquiry was, that he felt himself justified in declaring that the answer he had received was neither satisfactory in itself, nor perfectly founded. French lace, he observed, was of two kinds, thread lace and silk lace. Foreign thread and bone lace might be imported on a duty of 17s. 7d. per dozen yards, which on laces of two or three pence a yard (the only thread laces imported in any quantity) was equivalent to a prohibition; consequently no duty on them was collected, and the whole was smuggled. As to the valuable thread laces, such as point, &c. the same duty erred on the other side, being totally disproportionate to the value.

With respect to foreign silk laces, which was his object,

they were absolutely prohibited, and could not be imported from any nation whatever; first, generally by the 12th and 14th of Charles II. and then specifically by the 5th of Queen Anne, ch. 17. These silk laces, he was well assured, made seven tenths at least of the consumption of the British dominions, to the amount of 300,000l. a year, and the duty lost to our revenue was really given to the French smugglers. The assertion, therefore, that the prohibition of foreign silk laces was taken off by the general provision in the seventh article of the treaty, or that they may now be admitted from France on the same terms as silk laces coming from the most favoured nation, was groundless. Nothing being provided for either in the resolutions of the 7th of March, or in the consolidation bill then depending, but foreign thread laces, and these were left exactly as they stood, upon the absurd and ill-calculated duty of 17s. 7d. on every dozen yards, indiscriminately by the yard, without regard to the value, and bearing equally on thread lace of two pence and ten pounds a yard.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* begged leave to assure the honourable gentleman, that he was not thoroughly grounded in his opinion, that the principle of the tax on lace was different from that which had been voted upon cambric; for, in fact, this last was calculated upon the price, and not upon the value, exactly in the same manner as the tax upon French lace—he should admit that the difference between the value of the several sorts of laces was greater than that between the various sorts of cambrics, so that the proportion of duty paid by the higher-priced laces, was lower in comparison with that paid by the inferior kinds, than the same proportion in the article of cambrics—but still it was evident, that the principle of both the taxes was the same, and it had been a practice, followed in many taxes, to impose them on the quantity instead of the value of the article. Whether the tax upon lace, was or was not imposed in the most prudent and politic mode, was a subject for separate discussion: at present the honourable gentleman had confined himself to the question of its principle as compared with that of the duty on cambric. What the honourable gentleman had assumed, that French lace still continued prohibited, was a mistake in point of fact; for it was provided for in the treaty, that all articles not enumerated in the tariff should be imported from France into this country, as from the most favoured nation. The consequence of which was, that lace, not being included in the tariff, was no longer subject to the prohibition. What he here said, he meant only to apply to thread lace; for as to silk-lace, every sort and description of it still continued actually and expressly prohibited by the treaty. The honourable

nourable gentleman had argued to ſhew, that a very deſirable acceſſion of revenue might be made, by admitting ſilk-lace to importation, under a duty of ten per cent. and had endeavoured to make it appear, that ſuch admiſſion might take place without any injury whatſoever to our own manufacturers: he was not himſelf the proper perſon to whom the honourable gentleman ought to direct ſuch an argument. If it could be made out that ſuch a revenue as that ſtated by the honourable gentleman might be raiſed, he ſhould feel the greateſt willingneſs to adopt the ſuggeſtion; but it would firſt be neceſſary for the honourable gentleman to convince the Britiſh manufacturers in that branch, that by ſo doing, their intereſt would not be affected. For his own part, his ſole objection to the introduction of ſilk laces and other ſilk manufactures from France was only on a principle of favour to our own manufacturers, who, from the univerſal opinion that the French fabrics in ſilk were in general more perfect than ours, were apprehenſive of ſuffering eſſentially, if the French manufactures were admitted into the Britiſh market. But at all events, whether it ſhould or ſhould not be found expedient at a future period to admit French ſilk lace, the honourable gentleman need not be uneaſy at their not being taken notice of in the treaty—for ſurely he would not contend, that there was a ſtipulation that they ſhould continue to be prohibited, or that there was any thing in the treaty which could in any degree prevent their being admitted hereafter under any duty which might be thought adviſeable.

Mr. *Francis* ſaid a few words in reply, urging the propriety of taking the profit from the ſmuggler, and deriving a profit of near 30,000l. a year, (which he was perſuaded might be obtained from an article, that whether the import of it was legalized or not, would be imported and conſumed in the kingdom. Mr. Francis

When the clauſe reſpecting timber, ſtaves, &c. came to be read, Sir *Grey Cooper* introduced a ſhort converſation, by inſiſting upon his former poſition, that as the clauſe did not merely ſimplify the duty on timber, but impoſed a new one, it ought to have been authoriſed by an inſtruction. The alteration of duty would materially affect ſhip building, which was a very ſerious object. Sir Grey Cooper.

Mr. *Roſe* anſwered, that the alternative was but trifling, and that, generally ſpeaking, no one article touched by the bill was an article neceſſary for, or uſed in, ſhip building. Mr. Roſe.

Sir Grey Cooper inſtanced anchor ſtocks as a matter which would be affected by the new duty.

Mr. *Fox* ſaid, that the propoſition was ſo plain and obvious, that he wondered either that it was not adopted, or Mr. Fox.

that

that some reason was not assigned by the other side of the House for its rejection.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* regretted, that the right honourable gentleman had been absent at the early part of the evening, as he would not, in that case, have suggested a matter for argument, which the House had, not many minutes before, determined in a way contrary to his wish. He begged leave to remind the right honourable gentleman, that this was not the first notice which the House had received of the intended additional tax on timber. He had, in his opening of the business of the consolidation, before the House went into the Committee, stated his intention on that head, and there was not any objection made at that time, nor since. He should not be ready to impute any invidious motives to such gentlemen, who, although they then remained silent, now came forward with an opposition, which must, if successful, retard the completion of the business, and inevitably throw it back till after the holidays.

Sir Grey Cooper.

Sir *Grey Cooper* said, that a parliamentary notice could not be given by a member on his legs, as a part of his speech, it could only be by instruction, formerly moved, recognized, and agreed to by the House.

When Mr. Steele came to that part of the bill which related to the appropriation of the fund, as a security to the several public creditors,

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* observed, that with respect to the part of the bill which provided for the security of the Public creditors by appointing the aggregate of the taxes as a general fund for the payment of the interest of the national debt, in the room of the several distinct funds, which had by several statutes been created for that purpose, and which were now to be abolished, he had taken care to give a priority of payment to those who were best entitled to it—the first were those who held certain Exchequer bills that were excepted from those other securities which had been transferred into South-sea stock. The second was the South-sea Company. The third was the Bank, and the fourth was the East-India Company. These three last-mentioned bodies had consented to the new arrangement; and although it was impossible to suppose that any of the other creditors could have any objection, yet there was a provision which enabled them, in a limited time, to come in and express their dissent.

Sir Grey Cooper.

Sir *Grey Cooper* remarked, that a public debtor was not at his option to change the security of his creditor, and therefore, although he was free to confess that the right honourable gentleman had shewn a most laudable anxiety that the public creditor should be fully secured, he could not but wish that there had been some regular notification of the

claims

claims of the creditors, made in form at the bar, and that a clause recognizing those claims, and mentioning by name the several creditors, such as the holders of annuities of the various descriptions of Bank stock, South-sea stock, and East-India stock, had made a part of the bill. Such a recognition by act of parliament would have given a solemnity to the proceeding, which, in his opinion, would have been exceedingly proper. It was not too late to insert such a clause, and to empower and authorize trustees, guardians, executors, and committees of lunatics to accept of the new security in lieu of the old.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* answered, that none but a lunatic himself could be supposed a person likely to refuse accepting the new security in lieu of the old, as the new security was so much the better of the two.

Mr. Blackburne.

Mr. *Blackburne* observed, that he felt himself obliged to seize the present opportunity of trespassing upon the attention of the House, as he should not be present at the third reading of the bill, when it would have come more properly, to state, at the request of a respectable constituent of his, (Mr. J. Walker) who had often been mentioned in the earlier debates on the subject of the commercial treaty, that he (Mr. Walker) had, at the Chamber of Manufacturers, most explicitly declared, that he spoke his individual sentiments as a member of that Chamber, and not as a delegate from Manchester.

At length the bill was gone through, and Mr. Steel went to the table, and, after some time, reported to the House, that the Committee had gone through the bill to which they had made several amendments. The report was, upon motion, ordered to be received on the morrow.

Mr. Burke.

Mr. *Burke* rose to state, that as witnesses had been called for to attend at the bar this day, and he heartily wished they had been called for much sooner, though he meant not to express the smallest degree of reluctance that witnesses were desired by Mr. Hastings or his friends, but, on the contrary, would consent that they should be examined even to the satiety of those who called for them; but as it would, on many accounts, be improper to go into the charge respecting presents on the same day when the evidence on the subject was heard, he meant, on the part of his honourable friend, to put off the charge till the ensuing Monday. His honourable friend, who had undertaken to move that charge, (Mr. Sheridan) had fully satisfied the House with what nobleness he could enlarge upon any topic, and by copious and minute detail illustrate and dignify it. He begged leave to declare, that his honourable friend could, with equal ability, contract his thoughts into a narrow compass, and mingle pre-

cision with concisenefs. That (he understood) was the line which his honourable friend meant to take on Monday; and since, as he had just said, his honourable friend was able to be brief and impressive, as he had already proved himself able to amplify with effect, he hoped that the time of opening the charge on the subject of presents would not detain the House too long, to prevent their afterwards receiving the report of the several resolutions of the Committee on the same day.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* said that he had no sort of objection; but if the debate on the charge of the presents was protracted to a late hour on Monday, in that case he hoped it was not meant to attempt to bring up the report on the same day.

The House adjourned.

*Friday, 30th March.*

The order of the day being read for taking into consideration the matter of the complaint made to the House upon the 9th day of February last, " That the writ for the last " election of a member to serve in Parliament for the coun- " ty of Renfrew, was sealed and tested on the 26th day of " June, 1786; that the said writ was delivered to Charles " M'Dowall of Crichen, Esq. the Sheriff Depute of the " said county, on or before the 20th day of July, 1786; " that the said Sheriff, although frequently requested, in- " stead of naming an early and convenient day for the elec- " tion of a member, to be holden in pursuance of the said " writ, unnecessarily, and contrary to the duty of his of- " fice, delayed executing the same, by not proceeding to " hold the election until the 19th of October following;"

Mr. Adam. Mr. *Adam* moved, that the matter of the said complaint to be taken into consideration upon Tuesday the 17th day of April next.

The Speaker confessed the propriety of the adjournment.

Sir Adam Ferguson. Sir *Adam Ferguson* declared that he had no objection to the postponement of the consideration till after the holidays. He rose merely to state, that the gentleman in question, from having learnt the part which he had taken, when the matter was last before the House, had written him a letter, which he should ask leave to read as a part of his speach, when the subject was again agitated. The gentleman, in his letter, stated himself to be 78 years of age, and said, though he had felt it necessary to write upon the subject, he feared that he could not read his own letter, were he to be put upon so difficult a task. So far, however, from expressing any reluctance at coming to town, the old man was anxious to appear at the bar of the House, and clear himself from the

charge

charge of corruption, which he had underſtood to have been imputed to him as one of the principal motives of his conduct. He did not (Sir Adam ſaid) recollect that corporation had been urged in the argument, as the imputed or ſuſpected cauſe of the Sheriff's conduct; but whether that gentleman thought it was ſo ſtated in the Houſe, or had learnt, through the means of the gallery, that it was, he expreſſed great anxiety to juſtify himſelf from a charge, of the imputation of which he wiſhed to prove his abſolute diſdain. Sir Adam declared that he ſhould not have troubled the Houſe with theſe few words, had he not, an hour before he came down to the Houſe, received a ſecond letter from the venerable Sheriff Depute, repeating his earneſt deſire to appear at the bar, in order to clear himſelf. Whether he ſhould ſupport the motion for the Sheriff Depute's appearance at the bar, in compliance with the wiſh of the old gentleman, or having leſs perſonal intereſt on the occaſion, ſhould act as his cooler and more unbiaſſed judgement might direct, and reſiſt the motion, was a matter for his own private and future conſideration. At preſent he did not object to the poſtponement which a right honourable gentleman (the Speaker) had in his mind ſo properly recommended.

Mr. Adam.

Mr. *Adam* declared that he was far from thinking that a charge of corruption could make any eſſential or neceſſary part of the ground of a motion, for the attendance of a returning officer at the bar of that Houſe. His having acted under a miſconception of the principles of the conſtitution, or a miſconſtruction of an act of parliament, were, in his opinion, ſufficient grounds for ſuch a motion. Upon thoſe grounds, and thoſe grounds only, had he ſtated the complaint againſt the Sheriff Depute of Renfrewſhire, but without ever once calling his character in queſtion, or imputing any thing like corruption, as his ground of action, during the late election. He had ever underſtood that the Sheriff Depute was a reſpectable and worthy man, and it had been far from his intention to have ſuggeſted unworthy cauſes for his conduct: whether therefore the gentleman had collected his ideas of what had paſſed from private information or from public report, his mind had been miſled, and he had written to the honourable Baronet under a falſe notion of what had been ſaid in the Houſe of Commons.

The order was diſcharged, and the day of conſideration of the complaint poſtponed to the 17th of next month.

The order of the day having been read for the Houſe to reſolve itſelf into a Committee of the whole Houſe, on the charges againſt Warren Haſtings, Eſq.

Mr. Markham and Mr. Anderſon were examined at the bar of the Houſe for ſeveral hours by Major Scott, Mr.

Francis, and Mr. Burke. On a queſtion being aſked Mr. Anderſon by Mr. Burke, relative to the reaſons aſſigned by Mr. Haſtings for taking him to Benares in 1781, Major Scott deſired the witneſs might withdraw, and then obſerved to the Committee, that he had been precluded from having a very important letter entered on the minutes, becauſe it was not the beſt poſſible evidence, ſince the authentic record of that letter was at the India Houſe. Upon the ſame principle, it would be highly improper to aſk Mr. Anderſon what reaſons were aſſigned by Mr. Haſtings for taking him to Benares, when thoſe reaſons were contained in the minute then on the table.

Mr. Burke. Mr. *Burke* obſerved the minute did not mention a word about Benares, and that he had a right to aſk the queſtion.

Major Scott. Major *Scott* contended that it did, and that in particular it mentioned Mr. Haſtings' intention of meeting Dowager Pundet at Benares.

Mr. Burke. Mr. *Burke* ſaid, he did not wiſh to have the witneſs inſtructed as to the reply he was to make.

Major Scott. Major *Scott* inſtantly roſe, and ſaid, the right honourable gentleman had preſumed to take a very unwarrantable liberty with him, which he would not ſuffer in ſilence. He deſpiſed his inſinuation, and the ſneer with which it was delivered, which he declared to be as indecent as it was unfounded.

Mr. Burke. Mr. *Burke* ſaid, he had no intention of inſinuating any thing to the prejudice of the honourable gentleman, but that his queſtion led to another which he deemed very material.

Major Scott. Major *Scott* replied, that he did not want to ſtop any queſtion; but as he had ſpoken to a matter of fact, and as the right honourable gentleman had immediately ſaid that he did not want to have the witneſs who had withdrawn from the bar inſtructed, the Major again declared that the inſinuation was aimed at him; that it was, he repeated, unfounded and indecent, and that he would not permit the right honourable gentleman to proceed to ſuch an unwarrantable liberty with him, without taking notice of it. The witneſs was then called in, and the queſtion was repeated, which, with another, finiſhed his examination.

Major Scott propoſed next to put ſome queſtions to Major Popham.

Major Popham. Major *Popham*, member for Taunton, ſaid, he wiſhed to give no anſwers to any queſtions which were not of importance.

Mr. Sheridan. Mr. *Sheridan* ſaid, that if the honourable gentleman (Major Popham) underwent any examination by Major Scott, he and his friends would alſo expect to have the liberty of putting ſome queſtions to him.

Here

Here a conversation ensued with respect to the privilege of a member not being under the necessity of answering questions put to him.

The Speaker declared, that no member was, by the rules of the House, compelled to give answers to the question of a brother member; but if a member submitted to be examined, then he must answer to the whole of the examination.

Major Popham rose, and declined undergoing an examination.

Mr. Middleton was then called in and examined, as was Mr. Wright; after which the House being resumed, and Mr. Burgess having reported progress, and asked leave to sit again, it was ordered that the Committee do sit again on the ensuing Monday.

The House adjourned.

*Monday, 2d April.*

The order of the day having been read for the House to resolve itself into a Committee of the whole House, to consider farther of the several articles of charge of high crimes and misdemeanors against Warren Hastings, Esq. late Governor General of Bengal, the Speaker left the chair, and Mr. St. John took his seat at the table.

Mr. *Sheridan* now rose, and desired that a clause of the act of 1773 might be read. It was accordingly read, as follows: "No Governor General, nor any of the Council, "shall, directly or indirectly, accept, receive, or take, of "or from any person or persons, or on any account what- "soever, any present, gift, donation, gratuity, or reward, "pecuniary or otherwise, or any promise or engagement for "any of the aforesaid."

The preceding quotation having been read, Mr. Sheridan begged leave to call up to the recollection of the Committee the favour which a right honourable friend (Mr. Burke) had conferred upon him, when he informed them that it was his (Mr. Sheridan's) intention to use as much brevity in opening the charge upon the subject of the presents as possible. In this declaration his right honourable friend had certainly spoken his sentiments; and as a part of the evidence given during the course of the preceding Friday, threw a decided light upon some of the facts which were, previously to the intervention of that complete elucidation, in some degree, obscured and doubtful, he felt, with a redoubled force, his early and indisputable conviction, that brevity and perspicuity were the only matters necessary to imprint the truth of the facts contained in the charge upon the perceptions of the

Committee; and to press home to their minds a lively and indignant sense of the enormity of the crimes of Mr. Hastings, as exemplified in these several and distinctly-alledged accusations, if either the one or the other point remained yet to be accomplished. Honoured, upon a former occasion, with the almost unprecedented indulgence of the Committee, he would not offer so ungrateful a return to the liberality of their feelings, as to suppose that they would not do him the justice to believe that it was far indeed from any great willingness on his part that he had been induced to trespass a second time upon their patience; but, when he remembered that it would ill become him to refuse his feeble aid to those who had, with equal zeal in this momentous cause, stept forward, as much as it was possible, under the inevitable restraints of an attention divided by occupations more multiplied and varied than his own; when he considered the importance of the proceeding with respect to the impeachment of Mr. Hastings; when he reflected how much the character of that House and its honour, and, what was still more material, the honour and the justice of the country, were implicated in the business; when he consulted his own serious and sincere feelings on the subject, he could not refuse to lend himself to the occasion, and discharge his duty by exerting his best endeavours to accelerate the progress of this interesting business, by assisting to draw it nearer to that conclusion, of which the distance appeared, at last, considerably diminished. The subject which, at present, demanded an investigation was necessarily much colder and drier than that which, upon a preceding occasion, he had been so liberally permitted to state to the Committee. No horrible accounts of the sacrilegious plunder of defenceless parents were now to be addressed to their painfully-excited notice; no enumeration of barbarities perpetrated against the aged and guiltless mothers by their unnatural offspring; but the narration was nevertheless equally, if not still more important, as it went to establish the stubborn fact, that corruption had been the leading principle of all the actions of Mr. Hastings in India! though Heaven forbid that Mr. Hastings should prove guilty to the extent set up by his friends, in what had been denominated his defence! Perhaps more hostile than truly serviceable was the anxiety with which the advocates of this gentleman met the deserved attack upon his flagrantly-reprehensible administration in the East Indies. They seemed mortally to have wounded the cause, by the rash eagerness which they discovered to support it, and by the firmness with which they were determined to bring resistance against every endeavour to assail it. They appeared unwilling to admit, that Mr. Hastings in India was a man of unbounded power,

power, and that by this power he kept the whole body of the natives in awe and terror. Once, indeed, (Mr. Sheridan added) he thought him free from the vices of avarice and corruption; but, now, he had changed his opinion. These most unfortunate vindicators, themselves demolishing their own frail plans of exculpation, had indeed already anticipated the accusation in that House; and in no particular did their zeal so far outstrip their discretion. Such rash defenders of his conduct, aware that scarcely any attainment was wanting except a conviction of the receipt of presents, and of an accumulation of private *douceurs*, to blacken the catalogue of his crimes, and to destroy all those pretensions which could in the minds of men soften their asperity, and allay their indignation at his enormities, had violently affirmed that Mr. Hastings did not amass treasures for his own use, was not corrupt for interested purposes; and although, perhaps, improvident and profuse, was not mercenary, and, by a natural consequence, not rich. But it indispensably behoved them to go beyond the frivolous attempt to establish such positions by mysterious excuses, and language so implicated as to become nearly unintelligible. They should have placed their vindications of him upon the broad and immoveable corner-stone of truth, upon downright, fair and absolute proofs; and this the more especially, because, if the points for which they, with so blind a vehemence, had contended, were open to the admission of proofs, the means of introducing them were certainly in their power. Vainly, indeed, had these imprudent friends of Mr. Hastings exerted the faculties of their invention to puzzle and to confound the mind; nor was it astonishing that such extraordinary pains had proved the cause of raising a proportionate suspicion; for in this, as in the generality of similar instances, when genius became racked under the consciousness of guilt, the ardor of defence left its propriety at an irrecoverable and shameful distance. There was an infirmity, a weakness, a something not to be described in human nature, which, almost insensibly, led men to think less of the foibles or the crimes of such individuals, whilst it could be proved that they had not been actuated by mercenary motives; that they had not proceeded upon a principle of personal avarice; and that the increase of their own private property had not been the object of either their rapacity or their oppression. Swayed and influenced by this sort of weakness, Mr. Sheridan declared, that he had been among those who at one time conceived that Mr. Hastings was not stimulated to his conduct, as Governor General, by any view to his own emolument; and that his fortune was trifling, compared with the advantages which fell within his power;

but

but the more close and minute investigation which it was his duty to apply to the facts contained in the charge, had completely altered his opinion, and he scarcely harboured even the slightest doubt of being able to satisfy the Committee that Mr. Hastings had all along governed his conduct by corruption, as gross and determined, as his oppression and injustice had proved severe and galling. In reviewing his conduct, he had found it to spring from a wild, eccentric, and irregular mind. He had been every thing by fits and starts. Now proud and lofty, now mean and insidious; now generous, now just, now artful, now open; now deceitful, now decided; in pride, in passion, in every thing changeable, except in corruption. In corruption had he proved uniform, systematical, and methodical; his revenge a tempest, a tornado, blackening, in gusts of pride, the horizon of his dominion, and carrying all before it.

Mr. Sheridan added, that whilst he relied upon the power of exposing fully to the view of the Committee the criminal proceedings of Mr. Hastings, he could not avoid observing, that the nature of his private transactions was such as rendered it, in general, extremely difficult to drag them out into a full light. They were the deeds of privacy, enveloped in a cloud of mystery. The Committee (Mr. Sheridan said) would please to recollect the history of the Act of 1773, which was passed with a view to deliver the Princes of India, and the natives in general, from the consequences of the rapacity of the Company's servants. They must well remember that it did, in the most clear and comprehensive terms which could be devised, prohibit all the said servants from receiving any present, gift, or donation, in any manner, or on any account whatsoever. That Act, when it left the House of Commons in the form of a Bill, had no clause in it authorizing the institution of a civil suit, but merely contained the authority and grounds of criminal prosecution of the parties accused of having violated positive injunctions. When the bill, however, came into the House of Lords, although the Commons had been satisfied with the fair prospect of a future security and prevention of the evil which it held out, a noble Earl, of the highest law authority, (Earl Mansfield) expressed a different opinion, and had deemed it so necessary to take all possible means of putting a stop to a practice so oppressive to the natives of India, and so disgraceful to the British name and character, that he inserted a clause, declaring that all presents accepted by the Company's servants, on any account whatsoever, were the property of the Company, not meaning it as a fund for their benefit, but only in order to found a legal title to a civil suit, upon what is termed a fiction of law. Thus strengthened, the bill passed and

went out to India. The construction, however, which Mr. Hastings put upon it was, that by the regulating act of 1773, he remained at liberty to receive money, provided that it was to and for the use of the Company; and, under this construction, he *did*, in a variety of instances, violate as clear and obvious an act of parliament as ever had passed; an act of parliament concerning the legal meaning of which he (Mr. Sheridan) was persuaded that there was scarcely a lawyer in the House who would stand up and declare, that he had at *any* time entertained the smallest doubt, or felt the least difficulty. It might be most unanswerably proved, from the words of Mr. Hastings, that even he, notwithstanding his ungovernable infringement of so positive and plain a law, considered the act as amounting, under all descriptions whatsoever, to an absolute prohibition. When Colonel Champion, in his letter written to this gentleman, requested to know from him whether he should be justified in receiving a present offered to him, the Governor General answered, that the act was so strict and specific in its injunction as to admit of no palliative; of no discretion on the part of the conduct of the servants of the East-India Company; that it was so plain that it could not be misinterpreted, and so strict that it could not be infringed. And surely, said Mr. Sheridan, it was with this view only that the act was carried into a law by the British Legislature, who could not mean to transfer to the Company, the exclusive privilege of that injustice, from which its servants were so strictly prohibited. —It was a libel on the Parliament to think that they could intend to confer such an illegal and despotic power. Mr. Hastings had also ventured to ask, whether, under the penalties denounced in the clause, it could, with the least shadow of reason, be concluded, that if he designed to violate it by recovering money for his own private use, he would either select, as his agents, the public officers of the East-India Company, all men of established characters; or pay the sums which he meant to appropriate to his own purposes, into the treasury of the Company? A totally overthrowing answer to this question would be involved in the proofs now ready to be offered to the Committee, that Mr. Hastings had not suffered all the little sums which he took privately, either to pass through the hands of the public officers of the East-India Company, or to be paid into the treasury. On several occasions, he employed his own agents. If not, where was the possibility of accounting for his declaration to the Court of Directors, that the receipt of three lacks from Nobkissen, might, if he had thought proper, have been concealed from their knowledge for ever? And thus it was that, with a disrespectful haughtiness, Mr. Hastings took the liberty

berty to upbraid and cenſure the Directors of the Eaſt-India Company for ever taking his conduct into conſideration, or queſtioning *him* in reſpect to that which they had a right to know. He, beſides, libelled them with the intimation, that unleſs they would connive at his keeping his ſhare, they ſhould not participate in the plunder—he urged them to ſay: "for taking the money, you are cenſurable; but, in apply- "ing it to our uſe, you are deſerving of praiſe." And ſuch would virtually be their declaration (a ſpecies of logic well calculated to ſet his mind at reſt!) if they granted him on this head that full and direct acquittal which he claimed and expected—Beſides his plea of the conſtruction of the act, which he ſet up in oppoſition to the obvious meaning of it, he vindicated himſelf in the tranſgreſſion of his orders from the Court of Directors, whenever their ſenſe could not be twiſted, by the arguments of ſtate neceſſity. This neceſſity, however, which goes ſo far as to ſuperſede all poſitive inſtructions, ſhould be evident as well as urgent. Mr. Haſtings never attempted to prove the exiſtence of the neceſſity. The doctrine of State neceſſity, aſſigned in every caſe, this new and firm ally of ſelf-intereſted rapaciouſneſs, was not to be received on the preſent occaſion. The point in queſtion would not warrant the exceſs of his preſumption, when pleading in the defence of his violation of a poſitive law. Whatever Mr. Haſtings might have done with the money ſo extorted was out of the queſtion. If he had applied it, properly, the meaſure might be ſuffered to come forward hereafter, in extenuation of his guilt; but, in the mean time, the Committee were to look to his diſobedience of orders; to his infringement of the act of parliament! Under this view of the procedure, it muſt be manifeſt that every rupee which he received was taken in full defiance of the law; and that an action would lie againſt him for the recovery of the penalties. Much had been imputed by him to the generoſity of the natives.—He did not queſtion this virtue in the natives of Hindoſtan—neither did he doubt the expertneſs of Mr. Haſtings in working upon it moſt effectually. For, with ſo much power in his hands—with an army of fifty or ſixty thouſand men—he had, moſt certainly, the means of exciting in their breaſts the flame of benevolence! As to the facts of corruptly taking preſents, they naturally divided themſelves into two heads; thoſe which preceded the Regulating Act of 1773, and thoſe which ſubſequently had ariſen. He would begin with the latter, as they were more likely to elucidate the whole charge; and, firſt, he would mention the preſent of the year 1780, of two lacks of rupees, received of Cheit Sing, by the hands of his confidential ſervant Buxey Sadanund. The preſent was received in June, but never men-

tioned to the Directors until the relation of the circumstances formed a part of the contents in Mr. Hastings' letter of November of the same year, and *then* it was not stated from whom the money came. In his defence Mr. Hastings had, for the first time at the bar of the House, deposed that the money came from Cheit Sing, and that acknowledgement had, perhaps been occasioned by his having learnt that an honourable member (Major Scott) had previously declared, when under examination before the Select Committee, that the money came from Cheit Sing. Mr. Sheridan now read Major Scott's examination * and commenting upon it, observed, that in one of the answers the honourable gentleman declared, that he believed Cheit Sing and the other native Princes would much rather give Mr. Hastings a present of two or more lacks of rupees, than pay them to the Company as part of their debt to the British Government; a position which clearly proved (not the generosity of the native Princes but) that the government of India was founded upon a system of corruption. But, such (it had been urged) were the prejudices of the people! Could it be seriously imagined (and this at a time whilst, as he should beg leave to impress again and again upon the minds of the Committee, five lacks of rupees were due from that Rajah to the East-India Company) that, although the acceptance of the gift of the two lacks of rupees by the Governor General of Bengal, was not, perhaps, attended with a promise of a relaxation in the enforcement of the Company's demand, no *friendly* and *seducing* hint had been given of so *generous* a design? A raw and artless negociator might not, indeed, have thought of any compromise, but have pursued the obvious line of conduct to one not half initiated into the practices of extortion. Such ignorance of the true methods of procedure could not, without injustice, be imputed to Mr. Hastings! The boon with which this gentleman was privately presented, did not, however, divert his indefatigably faithful zeal from the prosecution of the demand of the East-India-Company; yet, at the same time, it must be confessed that so valuable a gift was no inconsiderable drawback from the pecuniary powers of the Rajah to satisfy such a demand: And indeed, the facility with which this plundered individual was made to submit to private extortions, only rendered him a more convenient tool to work upon in every case of public depredation. Two lacks of rupees might be considered merely as a palatable whet to the voracity of his appetite; and more money was the great cure in view for an inveterate disorder, when that wretched invalid, Sir Elijah

* For this and other interesting examinations, in detail, we beg leave to refer the reader to those published by Debrett.

Impey, underwent a dangerous and most fatiguing journey, purely for the benefit of his health! With regard to the readiness of the native princes to make presents, let a Governor General, possessed of all the powers of government, and at the head of an army consisting of 60,000, and sometimes of 100,000 men, led and commanded by European officers, throw himself on the bounty of a people, and doubtless (as he before remarked) an unbounded spirit of benevolence would prevail. But, to return to the present of Cheit Sing:

In his defence, Mr. Hastings declared, that in 1780, he had formed the plan of drawing Mhadajee Scindia from Guzzerat to the defence of his own dominions, in hopes of laying the foundation of peace with the Mahrattas, but that the plan had been opposed by an honourable gentleman (Mr. Francis) on account of the additional expence which it would occasion. About that time, Cheit Sing sent his confidential servant, Buxey Sadanund, to Calcutta, to endeavour to procure a remission of the payment of the annual sum of five lacks of rupees, which the Board had fixed as his proportion of the expences of the war. That request, Mr. Hastings peremptorily refused; but assured Sadanund, that on the restoration of peace, the annual subsidy of five lacks should be discontinued. Sadanund wrote to his master, and received a commission from him to give Mr. Hastings the strongest assurances of his future obedience and submission to the orders of Government; and he was farther directed to request his (Mr. Hastings') acceptance of two lacks of rupees as a present for himself. His reply was, that he cordially received his submission and assurances of obedience, but that he must absolutely refuse his present, which he *did*. This (Mr. Sheridan said) was a sentence in which the words, as the fact afterwards proved, were a *little* transposed; for the truth was, that Mr. Hastings cordially received the present, and absolutely refused to accept Cheit Sing's submission and obedience; since, it appeared, that on the 20th, Mr. Hastings sent for Sadanund, and told him he had reconsidered his master's offer, and would accept the two lacks of rupees, and the very next day (the 21st) he entered the minute under the authority of which the persecution of that unfortunate prince was begun, and from whence it was pursued to his ruin. Other men, perhaps, dissimilar in their views and temper from Mr. Hastings, might have deemed it necessary to return the gift at the commencement of hostilities against the Rajah: but, the Governor General, still inviolably faithful to the great principle of his system of peculation, resolved not to lower his importance by giving back that money which he had once *so condescendingly* agreed to accept! And, here, his proud and surly dignity broke out in all its plenitude! Having taken a sum against law, although

though the purpose for which he grasped at it was frustrated, he scorned either to acknowledge the fact or to relinquish the money. The reason of this was obvious. Finding Cheit Sing so easy a dupe to private extortion, Mr. Hastings instantly marked him out as an object for public plunder. Having stated this transaction, Mr. Sheridan took notice of (what he stiled) the strange manner in which Mr. Hastings had acted with respect to this present. To read the whole of the correspondence with gravity, was, he declared, utterly impossible, for such a mixture of the diverting and the disgusting, appeared in almost every letter, proved that the effect at once most laughably ludicrous and most seriously alarming but, he would just turn to an extract or two relative to the case in point. Mr Sheridan then read a part of Mr. Hastings' letter of November 1780, as follows "My present "reason for reverting to my own conduct on the occasion "which I have mentioned," (his offering a sum of money for the Company's service) "is to obviate the false conclusion, "or purposed misrepresentations, which may be made of it, "either as an artifice of ostentation, or the effect of corrupt "influence, by assuring you, that the money, by whatever "means it came into my possession, was not my own." Mr. Sheridan commented on this, and then stated the conduct of the Directors respecting it, in all whose letters respecting presents, were (he said) to be found declarations to this effect, "Forasmuch as you have taken presents, we greatly "*disapprove* of your conduct; but, inasmuch as you have "applied those presents to the credit of our account, we "highly *approve* of your conduct" It seemed evident that, upon one occasion, nine lacks of rupees had been received, and only six lacks brought into the treasury of Calcutta. The remaining three were not as yet accounted for, unless it could be thought a sufficient elucidation to declare that they were in the hands of Cantoo Baboo, Mr. Hastings' black bribe broker But, was it probable that this man, absolutely dependent upon the Governor General, and having amassed an immense fortune under his auspices, could have retained so large a sum of money within his hands? No! suspicion naturally, not to say unavoidably, turned round to the principal. Yet, in their letter of January, 1782, the Directors did not appear to be satisfied with Mr. Hastings' account of the whole proceeding, but, pronounced it at once extraordinary and mysterious. That it was mysterious, was undoubtedly true, for in such facts as taking of presents, and the mode of applying them to the Company's use, he would venture to assert that there could be no mystery without the excitement of a just suspicion of guilt. The Directors in their letter observed, "It does not "appear to us, that there could be any real necessity for de-

"laying to communicate to us immediate information of the "channel by which the money came into Mr. Haſtings' poſ-"ſeſſion, with a complete illuſtration of the cauſe or cauſes "of ſo extraordinary an event." And in the ſame letter, ſpeaking of this ſum taken from Cheit Sing, and of other monies of a ſimilar deſcription, they ſaid, "We ſhall ſuſpend "our judgement, without approving in the leaſt degree, or pro-"ceeding to cenſure the conduct of our Governor General for "this tranſaction." The next time when the Directors heard any thing more of this, was by a letter, dated the 22d of May 1782, as Mr. Larkins had ſworn, but not ſent till the 16th of December in the ſame year; and ſingular was the fate of this letter of the Governor General, which had, in ſo *extraordinary* a manner been delayed in India! This letter Mr. Larkins, with officious care, would not deliver until the very moment in which the ſhip failed, becauſe he well recollected that letters had been either forgotten or miſlaid, if given to the captain long before the departure of the veſſel. The reſolution was the laſt ſhip of the ſeaſon diſpatched for Europe; but, it was not ſufficiently well manned to carry the Governor General's letter, although the Governor General declared that his *good genius* had dictated its contents. The Reſolution was thought ſafe enough to bring him a rich freight, many valuable bills and bonds, and a variety of important letters and diſpatches; but had the Governor General's letter been put on board the veſſel, ſuch a weighty cargo would undoubtedly have ſunk her to the bottom of the ocean. That packet could only be brought home ſecurely in the Lively. It ſhould appear, therefore, that there was ſomething in the very name of the ſhip which lent the letter ſafety, and adapted itſelf to its ſtyle and contents: And yet, this moſt unlucky letter appears, indeed, to have met with as many ſtrange and unexpected diſappointments as that written by the miſerable Romeo, and intruſted to the care of Friar John.

How equally unfortunate, alſo, muſt it have proved if the Lively had been abſent upon any other ſtation. Some impure article might probably have made its way into the hold of the ill-manned and crazy Reſolution! The ſuperſtitious piety of Mr. Larkins might perhaps have inclined him to apprehend, that in ſuch a caſe the Reſolution would have foundered, have ſunk perhaps in the Ganges, without even one convenient diving negro near to reſcue the important letter from the devouring waves! Yet, even thus reſcued, the letter might have ſuffered under a total and dreadfully irremediable obliteration of its interior contents, with not one ſingle veſtige of writing left, excepting the addreſs: and, after all, (intrepid though the ſailors are) the Reſolution had not a crew ſufficiently *daring* to venture upon carrying to England - - - - - the *juſtification* of Mr. Haſtings!

On

On this occasion, it seemed fair to say, why not send the letter to Madrass, for the chance of a ship from that settlement? Mr. Larkins dispatched this letter from the country and to Mr. Auriol, the Secretary at Calcutta; yet, he would not touch it, but caused it to be returned, declaring that it was contrary to the act of parliament for any of the Company's servants to write home to the Directors. Thus it failed in one instance. Mr. Sheridan stated how it had failed in others, and traced all the circumstances which had tended to impede its being dispatched by the Resolution, till, just on the eve of its being sent away, Mr. Larkins advised Mr. Hastings to open it, in order to suffer him to make an affidavit, that it was written on the 22d of May, and to let the affidavit accompany it. Mr. Larkins accordingly took an affidavit before Mr. Justice Hyde, that the letter had been written by him on the 22d of May, from rough draughts, furnished by Mr. Hastings. This was a proof that Mr. Hastings thought the letter of the most serious importance to himself, and that it was extremely material for him to establish the fact, that it had not been written on the pressure of the suspicion, but that the mean imputation to which the delay exposed him, from the occasion which the late parliamentary inquiries had furnished, was a matter to be regarded by him as extremely unfortunate. Undoubtedly the run of much ill luck had gone against him; and so unpromising were appearances in his favour, that it did not require any great share of incredulity to suspect that the letter was written, not before, but after he had heard of certain changes in the politics of this country, which might make him at length adopt a new opinion, with respect to the best artifice for his own security, and conceive that a voluntary confession would prove one of the least fallible preservations from detection. The conduct of Mr. Larkins, most certainly, was suspicious; and Mr. Sheridan said he trusted that no person would do *him* the injustice to conceive that he harboured cruel, and, of course, unworthy notions against mankind, when he observed that he saw the workings of gratitude so powerful in the hearts of individuals as to eradicate every other feeling of duty. Mr. Larkins had taken the most extraordinary pains to acquit his friend and patron, Mr. Hastings. How well his efforts succeeded, the Committee must determine. Mr. Sheridan now remarked, that he should beg leave to enter upon a short investigation of the second money transaction, which Mr. Hastings had represented as having some affinity with the former *anecdote*; and this was a demand upon the Council for money of his own, described as having been expended in the Company's service, to the amount of thirty-four thou-

sand

sand and five hundred pounds, for which he had desired to have three bonds. And, here, it seemed necessary to refer to the defence of Mr. Hastings respecting the circumstances of this transaction. In that defence, the Governor General stated, that being in the year 1783 in actual want of a sum of money for his private expences, owing to the Company's not having at that time sufficient cash in their treasury to pay his salary, he borrowed three lacks of rupees from Rajah Nobkissen, an inhabitant of Calcutta, whom he desired to call upon him with a bond properly filled up; that Nobkissen *did* call, but, when Mr. Hastings was going to execute it, Nobkissen entreated that he would rather accept the money than execute the bond. In short, that he neither accepted the offer, nor refused it, but kept the Rajah, during the space of several months, plunged into a state of the most tormenting anxiety: and now it might seem reasonable to imagine, that, at last, the matter dropped: quite the contrary: Mr. Hastings took the money, but neither gave the bond, nor was *mean* enough to think of returning the money; his pride forbade it; it was a fresh proof of the dread which the natives entertained of the Governor's pledge of faith. "Take my money, and welcome, said Nobkissen; "but place me not within the *peril* of your promise; pledge "not your faith to me? I know too well the consequences; "I have heard of the treaty of Chunar; I have heard of "the usage of Fyzoolah Khan! I have heard of other *shame-"ful* circumstances which followed the *most solemn* engage-"ments of the Governor General of India!"

Thus did Mr. Hastings fill the breast of this unfortunate man with painful apprehensions, lest when he returned home he should find a bond thrust, perhaps, underneath his door at midnight, or by some unworthy stratagem placed upon his table. He knew too well, that all who had been honoured with his favour became irrecoverably ruined. His various guarantees, his treaties, and his sacred compacts, with every lamentable consequence, were present to his afflicted imagination. The rapacity of Mr. Hastings he could tolerate; but he shrunk with horror from his protestations and his pledge of faith; a most unanswerable proof, that of all the monied men plundered by the Governor General, Nobkissen entertained the truest notions of his character. In mercy, however, Mr. Hastings came away from Calcutta without acting so *cruelly* as to send Nobkissen the bond, or so *pitifully* as to repay the money; and, upon this occasion it ought to be recollected, that Nobkissen was notoriously the most avaricious *black-man* in Bengal; but, in the description of this insatiable thirst for money, it was not meant to draw an *invidious* comparison between the Rajah and a *disinterested* European!

European! He would not insist on the unprecedented charge of contingent expences for a period of more than twelve years; nor on the particulars of this charge, which was principally for translating the Mahometan laws, which he had destroyed, and other services of a nature equally useless. In that famous letter which, in his progress to Lucknow, he wrote to the Directors, he had the assurance to request that this sum might be allotted to his use, that he might not be doomed to poverty and obscurity, after a life spent in the accumulation of *crores* for their advantage. But he had gone farther; he had taken it upon himself to place this sum to his credit without the consent of the Company; thus *paying, contrary to law*, a debt which he had contracted *against authority!* This proceeding could not be justified by Mr. Hastings, even on the principles which he had himself laid down in his construction of the Regulating Act: for here he must acknowledge that he had taken money *privately*, which he did not apply to the use of the Company, but to his *own*; as, whether he seized it in the first instance, or paid it to himself afterwards without authority, it was exactly the same. Hitherto nothing arose, except *mystery* and *obscurity* in the transactions, and in the defence made by the Governor General; but if the Committee were disposed to think (as he conceived that they might be inclined) that no circumstance could exceed those to which he adverted, they were mistaken—for, all was *simplicity* and *plain dealing* itself, when compared with what followed!

Mr. Sheridan now remarked, that he should next offer to the consideration of the Committee a *manœuvre* (of which the particulars were not included in the charges) for the *humane* purpose of squeezing ten lacks of rupees from the Nabob Vizier, at Chunar. The circumstances of this transaction had been too recently discussed to render much additional information necessary. This *generous* act was to assume the *curious* form of the refusal of an offer which the Vizier was *supposed* to have made! Mr. Middleton, the resident appointed by Mr. Hastings; Mr. Middleton, the identical man who had gone *such* lengths with him before, on a sudden became conscientious; and, like a sick with a *plethora* of blood, was satiated with plunder:—quite gorged, and torpid! Even *he* wrote to Mr. Hastings, that he could not think of accepting this offer, (which, however, the Nabob had *not*, at any time made) and Major Palmer was actually sent to *persuade him not to keep the resolution to which he had come*, of presenting Mr. Hastings with another 100,000 l. Thus by a kind of ingenuity, by a perversion unknown in this *dull* climate, conveying a *demand for money* under the form of *declining to accept it!* Concerning this circumstance, it ap-

peared

peared reasonable to remark, that when Major Palmer and Major Davy called upon the Nabob for the money, the latter declared that he had *never* before heard that so extraordinary a demand was in contemplation! And how deeply must the merciful feelings of the Committee become wounded, should they advert to the contents of a letter, from this unfortunate and persecuted prince to Mr. Hastings, in which, painting in the strongest colours his extreme distress, he complains bitterly of the exaction; yet says, "*being remediless*, I felt myself obliged to comply "with what was required;" and then he concludes with this artless and affecting observation; "Blessed as I am with so "*compassionate* a friend as your Highness, how does it happen that I am reduced to such a state of miserable distress?" On this occasion Mr. Sheridan said, that he must beg leave to enforce strongly upon the attention of the Committee, that the reasons advanced to justify the *seizure* (for it was far from meriting a milder term) of the 100,000 l. the time when it was paid, the manner in which it was paid, and the persons to whom it was paid, had been all brought into full view, and unanswerably stigmatized as the falsest statements by the Governor General: He had written word to the Directors, that the exigency of his affairs, the want of cash to pay the army with him, and other pressures, had caused him to accept the present of ten lacks of rupees, at the moment when he knew that the Nabob Vizier's affairs were in a state of the extremest indigence. Upon *that* ground, he had vindicated the taking of the 100,000 l. but it came out afterwards, in the most positive declaration, that he had not the sum in cash, but in bills on Gopal Das, not payable until the expiration of some succeeding months. If that were true, his *first* ground of justification failed him; for the *immediate* wants of the army could acquire no relief from bills on Gopal Das, which had still several months to run. In the list of the persons to whom the money had been paid, the name of Mrs. Hastings was inserted. He should have felt (Mr. Sheridan added) great uneasiness at taking the liberty to introduce a lady's name in such a business, if it had not been for her complete exculpation; but the fact stood thus: The entry of Mrs. Hastings' name and those of the other persons, as the receivers of the sum, was a fallacy; and it was equally a fallacy that the ten lacks were paid by bills on Gopal Das; because *that* man was at the time detained by Cheyt Sing; and let the Committee ask themselves, if the Governor General would not have had more credit with Gopal Das than this miserable, moneyless, and ruined prince? Great part of the sum given was paid in rupees, and it was clearly a portion of the plunder of the unfortunate princesses,

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the mother and grandmother of Afoph al Dowlah. As to the Nabob, *his* diftracted fupplications were of no avail, and his treafury was fwept without the leaft attention to his prayer, that his rapacious pillager would leave him at leaft as much as might prove fufficient for the ordinary charges of his houfehold.

Mr. Sheridan next ftated the application of the Rajah of Berar to the Governor General and Council for a fum of money to relieve his affairs by paying his army, the whole amount of which fum was computed at fixteen lacks of rupees. This application was rejected as inconvenient to be complied with; but afterwards the Governor General took the whole refponfibility of the meafure upon himfelf, and lent the Rajah of Berar three lacks.

Mr. Sheridan now mentioned the complaint laid before the Council Board by the Rajah Nundcomar, and the 15,000l. taken from Munny Begum, to whom was intrufted the fole collection of the revenues. The Directors had inftructed him to appoint a *minifter* (a *guardian!*) to fuperintend Mobareck ul Dowlah, the young Nabob of Bengal, and manage his affairs: The perfon whom he chofe for this employment was the ftep-mother of the Nabob and widow of the deceafed Nabob Myr Jaffier, (an ignorant woman, drawn originally from the loweft clafs of life, and by Mr. Haftings from the receffes of the Zenana) to inftruct her princely pupil in all the arts of future government! This curious appointment would certainly prove more the fubject of indignation than furprize to the Committee, when they fhould difcover, from unqueftionable authority, that it was affigned for the valuable confideration of 15,000 l. to himfelf, and the fame fum to Mr. Middleton. Mr. Haftings' tranfaction with Cawn Jewan Cawn was the next object of Mr. Sheridan's animadverfion: This man was appointed Phoufdar of Houghly, with an income of 72,000 ficca rupees a year—of which Mr. Haftings was charged with taking half, befides 4000 allotted to his black broker; and the accufation was made, as well as that proffered by Nundcomar, in full council. The Council propofed to inquire into the truth of it, and required Cawn Jewan Cawn to anfwer to the facts upon oath; to which procedure he and Mr. Haftings peremptorily objected; and that Cawn Jewan Cawn could not, by virtue of his religion, take an oath, was the weak excufe of Mr. Haftings; but in the words ufed in the anfwer of Mr. Haftings to the charge, he might retort the falfity upon *him*. Cawn Jewan Cawn was, as a punifhment for his contumacy, deprived of his employment; but on the death of Colonel Monfon, which gave Mr. Haftings, by virtue of his cafting vote, a majority in the council, he was reinftated at the mo-

tion of the Governor. He left it to the reflection of the Committee, whether any circumstantial proof, and the case would admit of nothing farther, could more clearly trace the guilt of Mr. Hastings, or establish the certainty of private practices of a corrupt nature between him and the Phousdar. The whole was a studied maze of theft, bribery, and corruption, unparallelled even in the most ignominious annals of East-India delinquency. With respect to the unfortunate Rajah, Nundcomar, *he* was first indicted for a conspiracy; but *that* failing, he was tried on an English penal statute, (which, although rendered by a stretch of power most dreadfully forcible in Bengal, did not reach even to Scotland!) he was convicted and hanged for a crime (forgery) which was not capital in his *own* country! Whatever were the circumstances of this judicial proceeding, (which might be the subject of another inquiry) they could not fail of exciting apprehensions and terrors in the natives, which would put a stop to all farther informations against the Governor. During this transaction, Mr. Hastings, in direct contradiction to the opinions of General Clavering, Colonel Monson, and Mr. Francis, repeatedly asserted, that it was repugnant to the manners either of the Mussulmen or Hindoos to take an oath; yet on a later occasion he justified himself in all his proceedings at Benares, by the affidavits of persons of the religion which he mentioned, taken before the *upright* judge of the supreme court of Calcutta! It had been allowed, in the evidence given at the bar, that all India was in consternation at the event, and considered the death of Nundcomar as a punishment for having advanced charges against Mr. Hastings. Who, after *such* an event, would dare to step forward as his accuser? None would venture; and the Governor might, in future, pillage the natives as he thought proper, without any fear of being disturbed by their invocations for justice! But, this justice, he hoped and trusted, would not be refused in a British Parliament: They owed it to their own dignity, to the support of the resolutions into which they had already entered, to the honour of the country, the prosperity of the government, and the rights of humanity! The present charge (he should beg leave to repeat) was not perhaps of that nature which came home most effectually to the feelings of men; it could not excite those sensations of commiseration or abhorrence which a ruined prince, a royal family reduced to want and wretchedness, the desolation of kingdoms, or the sacrilegious invasion of palaces, would certainly inspire! In conclusion, Mr. Sheridan observed, that although within this *rank*, but infinitely too fruitful wilderness of iniquities, within this dismal and unhallowed labyrinth,

rinth, it was the most natural to cast an eye of indignation and concern over the wide and towering forests of enormities; all rising in the dusky magnificence of guilt; and to fix the dreadfully-excited attention upon the huge trunks of revenge, rapine, tyranny, and oppression; yet it became not less necessary to trace out the poisonous weeds, the baneful brushwood, and all the little, creeping, deadly plants which were, in quantity and extent, if possible, more noxious. The whole range of this far-spreading calamity was sown in the hot-bed of corruption; and had risen, by rapid and mature growth, into every species of illegal and atrocious violence! Upon this ground, most solemnly should he conjure the Committee to look to the malignant source of every rooted evil, and not to continue satisfied with reprobating effects, whilst the great cause enjoyed the power of escaping from merited crimination, and the infliction of a just punishment. He now moved, "That the Committee having considered the present article of charge of "high crimes and misdemeanors against Warren Hastings, "Esq. late Governor General of Bengal, is of opinion that "there is ground for impeaching the said Warren Hastings, "Esq. of high crimes and misdemeanors upon the matter "of the said article."

Major Scott

Major *Scott* rose next, and said, I am very sorry, Mr. St. John, that it should fall to my lot to rise immediately after the honourable gentleman who has just sat down. I am sensible of the disadvantages under which I labour at all times, but more particularly, after the House has been for two hours entertained by the wit, humour, and ingenuity of the honourable gentleman: but though I cannot contribute to the entertainment of the House, this I will promise you, that I shall confine myself to a plain unvarnished narrative of facts; nor will I attempt to deceive you by a misrepresentation of a single circumstance. I shall pursue the subject in the same order that it has been taken up by the honourable gentleman. The first present is that which was received from Cheyt Sing in the month of June, 1780. The honourable gentleman had said, that, on the 22d of June, the very day after Mr. Hastings received this present, he came to the Board with a hostile minute against Cheyt Sing. I affirm, Sir, that this assertion is utterly unfounded, and I shall proceed to prove it incontrovertibly. When Sadunund, Cheyt Sing's Buxey, first applied to Mr. Hastings, it was to procure a remission of the five lacks, which Cheyt Sing had paid as a subsidy, from the commencement of the war. This request Mr. Hastings peremptorily refused to comply with, and afterwards the two lacks were given, not with the hope that it could purchase forbearance of a public

demand, but to atone for a former resistance to that demand; and it was accompanied by a promise of implicit obedience, as long as the war lasted, to the demand for five lacks. On the 22d of June, 1780, Mr. Hastings proposed in council, the year being then near the close, that these five lacks should be demanded, and appropriated to a specific service. Mr. Francis and Mr. Wheler agreed to the demand. It was made some time after; one lack was paid, and the remainder faithfully promised; and here, Mr. St. John, it happens that I can, from my own knowledge, pursue the subject, with confidence that a gentleman now in London (Mr. Fowke), who was then Resident at Benares, will confirm what I say, though I have never mentioned a syllable about it to him, nor have I seen him since his arrival, except for half a minute, by accidentally meeting him in Bond Street. I was appointed in May 1780 to command a battalion of Sepoys stationed in Chunar. I joined my corps in July, and had frequent conferences with Cheyt Sing at Ramnagur, who often mentioned to me his inability to pay these five lacks; and he never used another argument against the demand. I went, by Mr. Fowke's desire, with him to the Rajah, on his disappointing him of the money, after he (Mr. Fowke) had been ordered by the Board to receive and remit it to Lieutenant-Colonel Camac. Mr. Fowke used every argument in his power to induce the Rajah to pay it, and represented to him the fatal consequences that might be expected if he did not. The Rajah continued obstinate, declaring his total inability; and it was after this breach of his word that measures were taken against him; first, to fine him a lack of rupees, and then to march two battalions to Benares: but if Cheyt Sing had kept his word with Mr. Hastings, he had been secure. Now, Mr. St. John, to the first present. Mr. Markham has proved that Mr. Hastings took these two lacks from Cheyt Sing for the Company's use; and Mr. Markham brought a proof to the Committee, which it was thought informal to receive, that Mr. Hastings took the earliest possible opportunity to make this transaction public in England. Mr. Markham told the Committee, that he had with him a copy of part of a letter from Mr. Hastings to Mr. Sulivan, dated in August, and sent by a Danish ship, in which Mr. Hastings relates the circumstance, and authorises Mr. Sulivan to make any public use of the information which he thinks proper. Mr. Sulivan was at that time Deputy Chairman, and, when he received the letter, Chairman of the Court of Directors. In the month of November, Mr. Hastings made the communication to the Court of Directors. The honourable gentleman seems surprised that it was not done earlier; but surely

he knows that November is the first month for the dispatch of the Company's ships, and that it is only on extraordinary occasions packets are sent earlier. It is true, Mr. Hastings did not mention to the Directors from whom he received it; an omission, which, I am confident, was intended to answer no private purposes; and the moment I knew the circumstance, I communicated it very generally in England, and gave it in evidence to the Select Committee. Mr. Hastings perhaps thought he did all that was necessary, by saying the money was not his own, and that he neither could nor would have received it but for their service.

The next sums received were from the men who farmed part of the province of Bahar, Denagepore, and Nuddeah. Mr. Anderson's evidence proves, that these were *bona fide* received for the public service, and that no influence was at any time used by Mr. Hastings to prevent the Committee of Revenue from realizing every rupee that was due by agreement from them to the Company. There was no other mode by which a supply could at any time be raised for the public service, and to the public service every rupee was faithfully applied. The next sum was the present of ten lacks from the Nabob Vizier, and his Ministers, paid by bills upon Gopaul Doss. This present was received on the Company's account, and expended in their service as soon as received. The honourable gentleman has played upon the word deposit, as if Mr. Hastings had put the money up, because he told the Directors, "if you shall adjudge this deposit to me;" but the fact is directly the reverse. How far the honourable gentleman will tax Mr. Hastings for presumption, in asking the Company to give him a hundred thousand pounds, I know not. Mr. Hastings knew that the Company had given Lord Clive six hundred thousand pounds, and that they had rewarded other servants. His conduct has been approved; he has received their thanks; and perhaps it did not to him appear unreasonable to desire from the Company a fortune adequate to his station, since it was owing to inattention, and not to extravagance, that he did not possess it. The honourable gentleman professes to doubt, whether this money was applied to the public service, in direct contradiction to positive evidence now upon the table of the House; for there is a paper, signed by Mr. Annis, the Auditor at the India House, stating the precise periods when this money was received. The present was made in September 1781; in October above half a lack was received; in November two lacks and a half; in December near two lacks; in January, 1782, above four lacks and a half; in February a small sum, and in March the payment was fully completed; and at the close of the account is this memorandum: "This is the

"amount

" amount stated in the Governor General's letter, 22d May, " 1782, and, with other sums received by him, was ap- " plied, in general, to defray the Durbar expences, to make " advances to the military, and on various other accounts." The particulars of all those other accounts are at the India House, and may be produced at any time. In fact, Mr. St. John, there is not the smallest reason to suppose, that Mr. Hastings ever had the most distant idea of appropriating to his own use a rupee that he received, from any evidence before the House; and I shall, before I sit down, state the impossibility of his having entertained such an idea, by arguments drawn from his general character and conduct.

I now come to spe k of the times that the Court of Directors were informed of these transactions, and of the steps which they took in consequence of them, from which I trust I shall be able to prove, that if Mr. Hastings mistook the law, (which I believe he did, because very grave and weighty authorities say so) he mistook it in common with the whole Court of Directors, His Majesty's present Ministers, the Board of Control, and every person who has been in a responsible office, since 1780 to this day, except the right honourable gentleman (Mr. Fox) on the floor opposite to me.

In answer to the first communication of the 29th September, 1780, the Directors say, the circumstances appear extraordinary; that there might be good reasons for concealing the receipt from the knowledge of the Board, but not from them; and they withhold their final opinion till they hear farther, but not a word as to the illegality of the act. This paragraph underwent the inspection of the Treasury, when Lord North was at the head of it.

The account of the present received for the Company from the Nabob Vizier in September 1781, communicated in January 1782, arrived in England in July 1782: that letter was answered when an honourable Baronet, Sir Henry Fletcher, was Chairman; and the answer is well worthy the attention of the House. It states, that the Directors could not, were they so inclined, give Mr. Hastings that money, because he was absolutely precluded by law from receiving presents; and they go on to state, that, by the same law, all presents received or taken shall be held and deemed to be taken to and for the sole use of the Company; they therefore approve of Mr. Hastings having applied that money to the Company's service, and order him to abide by the act of Parliament, in that case made and provided. This letter had the sanction of the Treasury, when the present Minister was Chancellor of the Exchequer. Now, Mr. St. John, if there is sense or meaning in language, the sense of

the paragraph is, that Mr. Haſtings could not receive money for himſelf, but he might receive it for the Company.

Before this letter arrived in Bengal, and before it was known that any parliamentary inquiries had been commenced reſpecting Mr. Haſtings, he, on the 22d of May 1782, ſent them an account of the complete receipt of the Nabob Vizier's preſent of ten lacks, and of the ſums, to the receipt of which Mr. Markham, Mr. Anderſon, Mr. Larkins, and Mr. Croftes, had previouſly been privy. The honourable gentleman has been wonderfully ingenious in his deſcription of the various modes adopted by Mr. Larkins to ſend this letter to England; but, Sir, I do hope and truſt, that when the Houſe ſhall be diſpoſed to liſten to ſober reaſon, they will permit me to reſcue the character of that gentleman from the aſperſions that have been thrown upon it. Mr. Larkins is univerſally eſteemed by all who know him, both in England and in India, as a man of the moſt ſtrict and rigid integrity; as a man, on whoſe honour and uprightneſs the ſlighteſt ſuſpicion has never been caſt. I could appeal to an honourable gentleman, who has ably and honourably filled the chair of the Directors, (Mr. Nat. Smith) to confirm all I have ſaid of Mr. Larkins. He has faithfully diſcharged, for fourteen years, an office of the greateſt labour, and of the firſt importance in Bengal, that of Accountant General; and I have never heard one man inſinuate that he has acquired a rupee, except from the ſavings of his ſalary. The oath of a man of this deſcription is not to be treated lightly; and I truſt in the honour, the juſtice, and the good ſenſe of this Houſe, that a ſpeech of wit and humour will not ſo far miſlead them as to induce gentlemen to form ideas injurious to a reſpectable and abſent man.

The honourable gentleman affects to diſbelieve the affidavit, becauſe the letter might have been ſent by the Reſolution Indiaman, though all her diſpatches were forwarded on the 9th of May, and this letter was written on the 22d. An unexpected accident detained the Reſolution; but I put it to the honourable gentleman (Mr. Francis) to ſay, whether any man in Bengal would have ſent a letter by the Reſolution on the 28th of May, badly manned as ſhe was, with the chance of loſing her paſſage, and the certainty of making a circuitous and long one; when the Lively, a faſtſailing packet, was expected to ſail in a ſhort time; and though ſhe was very unexpectedly detained, ſhe was in fact the firſt and quickeſt conveyance after all. "But, ſays the "honourable gentleman again, why not ſend the letter to "Madraſs for the chance of a ſhip from thence? Does he not know the difficulty and length of the voyage from Bengal to Madraſs in May and June? Does he not know that

Suffrein's

Suffrein's fleet was then in the bay? And does he not know that the communication by land was very precarious, owing to the Carnatic being over-run by Hyder's horse? These are all forcible reasons against sending the letter by any conveyance than the conveyance by sea from Bengal to Great Britain. But though a gentleman of genius can misrepresent and distort facts as he pleases, no conscientious man, I am sure, in or out of the House, will for a moment doubt the truth of Mr. Lakins' deposition.

I come next to the reception in England of this letter of the 22d of May, 1782, announcing all the presents, and the following letter of the 16th of December. These arrived in the month of May, 1783, when the Duke of Portland was the minister, and Sir Henry Fletcher the Chairman of the Court of Directors; but no sort of notice was taken either by the Directors or the ministers, (to whom the letters were officially delivered,) of so flagrant a breach of a positive law. It is true, the right honourable gentleman (Mr. Fox) mentioned it in his speech, when he opened his India bill; but rather, as suspecting that Mr. Hastings meant the money for himself, than stating it as a breach of the law, to receive it for the Company. Every gentleman knows the fate of that bill, and of that administration. And now, Sir, I come to the share which His Majesty's present Ministers had in this business. Mr. Hastings, in his letter of the 16th of December, 1782, had said he was ready to answer upon honour, or upon oath, to any questions that the Directors should put to him, relative to these presents. On the 16th of March, 1784, a few days previous to the dissolution of parliament, the Directors wrote to Bengal, that they had received their Governor General's letter of the 22d of May, and 16th of December, 1782, and the accounts; (by the by, they had been ten months received!) that they did not mean to express their doubt of the integrity of their Governor General; on the contrary, after having received the sums, they approved of his bringing them to their account: yet, as he had voluntarily offered to answer any questions they might put to him, they desired to know why he concealed the receipt of these sums from his council, and the Court of Directors; and why he took bonds for some of the sums, and entered others as deposits. By law the paragraph was approved by the right honourable gentleman (Mr. Pitt;) and was it not extraordinary, that not one Minister, not one Lawyer, not one Director, thought of saying to Mr. Hastings; What are you about? You are acting against law; you have no more right to receive money under the act of the 13th of the King, for the Company, than for yourself; and, for God's sake, return what you have received, and take no more. No such thing,

Mr.

Mr. St. John; and if Mr. Haſtings has miſtaken the law, every power in this country miſtook it too *.

This letter, of the 16th of March, 1784, arrived in Bengal the latter end of Auguſt; Mr. Haſtings was then in Oude. He returned to Calcutta the 5th of November, reſigned his government in February, and arrived in England in June following, having omitted to anſwer this letter. He wrote to inform the Directors of his arrival, and he told them that he was ready to give them every information in his power, on any points that had been omitted in the diſpatches. To this letter Mr. Haſtings received a very flattering reply. He was publicly received by the Court, who returned him their unanimous thanks, for the long, faithful, and able ſervices he had rendered the Company. Not one queſtion was then, or ſince aſked him, relative to thoſe preſents; and it was at my inſti-

* As, in the printed ſpeech, of which this is a faithful copy, Major Scott has introduced the enſuing note, we have not heſitated to admit it into the Parliamentary Regiſter; premiſing, however, that it is not meant to treſpaſs upon the unbiaſſed and impartial ground from which, from a reſpect to the public, in general, and particularly to the members of the Houſe, we conſider ourſelves as not warranted to deviate. In the ſpirit of this principle, we beg leave to obſerve, that the words of the note, although elucidations of what was uttered by Major Scott, in his place, do not appear to have been ſpoken in the Houſe.

It is remarkable that many reſpectable lawyers in England aſſert, that Mr. Haſtings' conſtruction of the act of the 13th of the King, was the true conſtruction. The words are, "That no Governor General, &c. ſhall directly or indirectly, by themſelves or by any other "perſon or perſons, for his or their uſe, or on his or their behalf, accept, receive, or take, of or from any perſon, or perſons, in any "manner, or on any account whatſoever, any gift, gratuity, donation, "or reward," &c. then follows the forfeiture, which is to be double the value of the preſent; and then it is ſaid, "And it is hereby further enacted by the authority aforeſaid, that every ſuch preſent, "gift, gratuity, donation, or reward, accepted, taken, or received, "ſhall be deemed and conſtrued to have been received and taken to "and for the ſole uſe of the ſaid United Company."

In Mr. Pitt's act of 1784, there is a clauſe prohibiting the receipt of preſents "for the uſe of the party receiving the ſame, or for, or "pretended to be for, the uſe of the ſaid Company." This ſurely proves that the old law was incomplete, and the clauſe in the bill of 1784, as it reſpects the Company, was a new proviſion. By the 47th clauſe of the act of 1784, called Mr. Pitt's bill, ſo much of the act of the 13th "of the King's Majeſty's reign as ſubjects any perſon receiving gifts or preſents, to any penalty, or forfeitures, for ſo doing, "or as directs that ſuch gifts, preſents, penalties or forfeitures ſhall belong to the ſaid Company, ſhall be repealed, from and after the firſt "day of January, 1785, provided that no proſecutions or other ſuits, "already commenced, or to be commenced, before the firſt day of January, 1785, upon the ſaid act, ſhall be affected by the repeal."

gation, that he wrote the letter from Cheltenham, to the Chairman of the East-India Company. I was anxious upon this head, because, convinced as I am of the purity of Mr. Hastings' character, I should have been concerned indeed, that he should have neglected so material a letter. It was written the 11th of July, 1785, and I have a right to assume in argument, that it was completely satisfactory to the Court of Directors, and the Board of Control, because Mr. Hastings referred them to Mr. Larkins, their Accountant General, if they wished to make any farther investigation; they made none. Had they had any suspicions, can I suppose so ill of the Directors, or the Board of Control, as to think that they would not have ordered a complete investigation in Bengal, by their Governor General and Council? They neither did this, nor did they call upon Mr. Larkins: for the letter sent from Mr. Larkins is in reply to the requisition from Mr. Hastings, not from the Company. Surely then, Sir, it will be a refinement upon injustice, to blame Mr. Hastings, in 1787, for not having completely explained all those presents, when he had so far explained them to the satisfaction of the King's Ministers, and the Directors, in 1785, that they never called for farther evidence, though complete evidence was in their power.

I have now, Mr. St. John, brought the statement down to the present time. The honourable gentleman said, he once thought Mr. Hastings free from the vices of avarice and corruption; but he had changed his opinion. He has not assigned a single reason for that change of opinion; and I will beg leave to mention circumstances, which carry conviction to my mind, that Mr. Hastings never had an idea of converting a rupee of those, or any other presents, to his own emolument.

I hold in my hand, Sir, an anonymous pamphlet, which I believe to be written by an honourable gentleman opposite to me, (Mr. Francis,) and it is whimsical enough, that in this pamphlet, Mr. Hastings is not called upon to prove how he comes to have so large a fortune, but how it happens that he has not a larger; for the honourable gentleman professes his belief, that he has not more than seventy or eighty thousand pounds. I will just read to you his calculations. If Mr. Hastings were a careful man, properly attentive to his affairs, his fortune would be four hundred twenty four thousand pounds, and fractions; if he were, as the world are in general, neither very œconomical, nor very profuse, he would have three hundred and odd thousand pounds. But were he as inattentive to his private fortune, and as inconsiderate as some gentlemen in my eye, he would now possess two hundred sixty two thousand pounds. Now, Mr. St. John, I will take the amount of his whole fortune, and of every thing that could be converted into money, or that by any construction,

could be called his own, and I set him down at much less than half of the last sum. "But," says the honourable gentleman, "his fortune has been expended to procure a corrupt interest." Indeed! Then the money has been miserably laid out. If, however, Mr. Hastings was desirous of employing his fortune for such detestable purposes, I am the person responsible: for, from the year 1781, to 1785, I had complete power over his whole fortune; for I had permission to draw upon him to any amount I thought proper. But neither did Mr. Hastings, in giving me this power, nor did I, in receiving it, ever suppose that one shilling was to be expended for the purposes of corruption; and in fact, Sir, I defy any man to say, that in any one act I consulted the private, or personal interest of Mr. Hastings. He sent me to England on great public grounds; I acted here with public men; and though Mr. Hastings is persecuted and oppressed for the part we took in his absence, by one set of gentlemen, another set felt the advantage of our exertions, and benefit by it at the present moment. It will scarcely be called corruption, to have paid the editor of the Morning Herald, some years ago the amount of his bill; yet this is the only kind of corruption that I have ever been guilty of; and it was for the benefit of others, more than for Mr. Hastings. It is true, Sir, that I have expended a considerable sum of money for Mr. Hastings, but it was openly, and avowedly. I sent him constant intelligence, over land, of every important measure that could affect his government; and in so doing, I have the happiness to say, that I have performed very important public services, though the credit of them is due to him. It was by a dispatch, sent out by me, at the expence of Mr. Hastings, that the first intelligence arrived in India of the late peace; and so far I was the happy instrument of stopping the effusion of human blood. Perhaps I might go farther, and say, that that account arriving as it did, saved the Carnatic: but though I earnestly advised Mr. Hastings, (and I had weighty authorities for that advice) to charge under the head of secret services, the sums he disbursed for intelligence, he would not do it; and he has paid above seven thousand pounds, which ought strictly to have been paid by the East-India Company. Some of His Majesty's Ministers for a considerable time interdicted them from sending advices, and I was acting with the leading men of the Company in the public service; facts, which seemed to be acknowledged, when a right honourable gentleman (Mr. Fox) brought in his bill; but of which many now seem not desirous of preserving a trace in their remembrance. I am not stating it as matter of praise, that Mr. Hastings has been inattentive to the state of his own fortune, for I think quite the contrary; he is not however singular in this. But surely it is fair to argue, that

a man in high ſtation, who had never ſhewn an attention to money, would not practiſe the moſt deteſtable arts of corruption, to accumulate what he did not want. But, Mr. St. John, I have another proof to offer, and it is of a nature that I would not mention, if I could not confirm what I am going to aſſert, by incontrovertible evidence.

When Mr. Haſtings was in Oude in 1784, the Nabob Vizier and his miniſters repeatedly preſſed him to accept of conſiderable ſums, which he peremptorily refuſed; and he carried this determination ſo far, that when in the public court at Lucknow he performed what in India is a very ſolemn ceremony and expreſſive of the ſtricteſt alliance, that of exchanging a hat and a turban with the Nabob; he made a point of it that the turban ſhould be of plain muſlin and without any ornament. After Mr. Haſtings' return to Calcutta, and when he had written to inform the Nabob and his miniſter of his final reſolution to reſign, he received letters from them, expreſſing their concern for his departure, and encloſing a note for five lacks of rupees, which they thought he could then accept without ſcruple. Mr. Haſtings received this letter and the note two days after he had reſigned the government, juſt as he had got in ſight of the ſhip; and he wrote the following anſwer to the perſon who encloſed it—"I received your letter with the note encloſed in it, and you may judge what my reply muſt be to that: I thank him for his generous intentions, and hope it is only generous, not mixed with the ſuppoſition that it was neceſſary either to recompenſe the paſt, or to purchaſe the future; I will not accept of the money, I am yet Governor General, and will retain the character until I have diſcharged myſelf of all the obligations of it. I will not allow any man living to reproach me with uſing the plea of juſtice, honour, and public faith for covers to my own venality."—I now, Mr. St. John, hold in my hand a letter from Hyder Beg Khan to Mr. Haſtings, lately received by him, in which he expreſſes his concern, that this, and another preſent which I have not mentioned, were returned, and deſires to be permitted even now to ſend them to England: the letter can be authenticated beyond the poſſibility of contradiction, and I am ready to ſubmit it to any gentlemen (for there are many in England, and ſome members of this Houſe, who perfectly underſtand the Perſian language) who wiſh to peruſe it. I am willing, Mr. St. John, to grant the honourable gentleman, in its fulleſt extent, the argument he has uſed, that Mr. Haſtings in India was a man of unbounded power, and that all the natives were kept in awe by his power: let him apply this as ſtrongly as he pleaſes; but what will he ſay now? The

Ranger

Ranger arrived about three weeks ago; the charges of the right honourable gentleman (Mr. Burke) had then been some time in Calcutta; his relation, Mr. William Burke, had also been there. Have any complaints been received from one of these suffering millions? The Swallow arrived on Saturday, with letters of the 16th of November from Calcutta: has she brought a single complaint? What will any rational man conclude from this? It was known then, and had been known for months, that Mr. Hastings was only a private English gentleman without power or consequence, but that he was an accused and a persecuted man. He has himself had letters from the Nabob Vizier, his ministers, Fyzulla Cawn, Salar Jung, the brother of the Begum, and is in possession of the most unequivocal proofs of their good opinion of him. If there were times in which they differed, that difference was occasioned by exertions for the public service, and not for detestable private views of his own. What says the noble Earl who so honourably himself, and so advantageously for the Company and the nation, fills the chair in Bengal? His opinion of Mr. Hastings is universally known: he acknowledged it in England before he went out; he *has* acknowledged it in Bengal, where, if Mr. Hastings were the man he is represented, Lord Cornwallis must have known it on the 16th of November. I have seen letters from Bengal which mention, that Lord Cornwallis speaks of Mr. Hastings with an enthusiastic fervor; and the fact is too noted to be disputed. However some gentlemen may dislike to hear this, they will be pleased to know, that Lord Cornwallis has given universal satisfaction. I hold an extract of a letter in my hand, which, after mentioning the noble Earl's opinion of Mr. Hastings, adds, "I like Lord Cornwallis exceedingly: "he is mild, humane, and just; his government is marked "by regularity, vigilance, decision, and strict integrity." Against such a mass of evidence in favour of Mr. Hastings, and against that most conclusive of all arguments, that not one of those stated to be aggrieved by his acts have complained against him, we have to combat only vague and unfounded assertions.

The honourable gentleman has mentioned another present, that of three lacks from Nobkissen: I pass by the speech which he has put into Nobkissen's mouth, merely to proceed to the fact, for it turns again on the point of law. Mr. Hastings did not receive it for his own use or benefit; it was applied to the public service, that is, to discharge a sum fairly due from the Company to himself; the honourable gentleman (Mr. Francis) knows it to be so. In a moment of candour, in 1785, he acknowledged, for I then put it to

him,

him, upon his honour, to ſay, whether he did not think Mr. Haſtings had *bona fide* diſburſed every rupee he had charged; and he replied, he believed he might; but it was the principle of receiving the money privately that he diſapproved, and not the contingent charges. Are they diſputed? If they are, Mr. Haſtings is on the ſpot to anſwer, or to repay the money.

Another ſum the honourable gentleman has mentioned, that is, a ſecond preſent which was offered by the Nabob to Mr. Haſtings, and which Mr. Haſtings deſired the Nabob to transfer to the Company's account. I can only affirm upon this, that Mr. Haſtings never received a rupee of it, and that when the Nabob expreſſed his unwillingneſs to pay it, the matter completely ended. This, and the attempt to borrow ſixty lacks upon a loan in Oude, were endeavours to procure relief, when every mode of raiſing money had been exhauſted in Bengal, though the neceſſity of relieving the Carnatic was as great as ever.

As to the facts mentioned in the firſt part of the charge, I ſhall paſs over them as rapidly as the honourable gentleman, and a ſhort reply will do. I contend that there never can be an end to the argument, if acts done by Mr. Haſtings many years ago, and approved of at home, are to be reviſed, unleſs more evidence is procured to ſubſtantiate the facts alledged: in that caſe, ten, twenty, thirty, or forty years are out of the queſtion; but if no new lights are produced, and if all the principal lawyers were then of opinion, that in 1775 there was no ground to proceed againſt Mr. Haſtings, there the matter muſt reſt. But I will elucidate this ſubject farther: twelve Directors, in the year 1776, agreed to remove Mr. Haſtings; Lord North has avowed that he then wiſhed his removal; the Marquis of Rockingham and all his friends as avowedly ſupported him, and they beat the Miniſter. The Rohilla war, Nundcomar, Munny Begum, and all thoſe points, were urged as reaſons for his removal; but thoſe who now proſecute him, then preſerved him, more from a ſpirit of party than juſtice; for in this country, I am ſorry to ſay, party carries every thing. Two years after the ſame miniſter, Lord North, who had endeavoured to remove Mr. Haſtings, came forward to Parliament to re-appoint him: but abſtracted from party, the acts of which Mr. Haſtings was accuſed, are ſtrictly juſtifiable. Munny Begum was appointed guardian of the Nabob, actually for the ſecurity of his perſon; his life or our ſecurity might have been endangered by the appointment of Yeteram ul Dowlah, his uncle, or an ambitious native. The reaſons were detailed at length to the Court of Directors, and they fully approved of the appointment.

ment. As to Nundcomar, the first character in this country has declared, that "his evidence goes for nothing;" and it is proved beyond a doubt, that Mr. Hastings had no concern in his apprehension, his trial, or his execution. To conclude, Sir, I must believe, because the first lawyers have said it, that Mr. Hastings mistook the law; but this I say, that he construed it precisely as His Majesty's Ministers and the Directors construed it, and that every rupee he received, was received for the use and benefit of the East-India Company.

Lord *Mulgrave* declared that, feeling it impossible to sit silent under observations which had fallen from the honourable gentleman who spoke last, he should endeavour to repel their injurious tendency; and thus rescue Mr. Hastings from the shame of having such a *shabby* species of defence brought forward with a view to the establishment of his exculpation. There were many parts of Mr. Hastings' conduct, of which he highly approved, and which he always had, and ever should be ready to applaud; but was it enough to say in answer to charges the most serious and important in every point of view, that since Mr. Hastings had returned, the Directors had commended his conduct; that they had entertained him at dinner, and that some of the members of the efficient Indian government established at home had dined in the same room? Mr. Hastings (he was glad to know) was not to be considered as answerable for all which fell from the honourable gentleman who spoke last; it was happy for Mr. Hastings that he was not; for the honourable gentleman had that day alledged a crime against Mr. Hastings of ten times the magnitude and atrociousness of any which had yet been brought in charge against him; he said, that Mr. Hastings asserted that the British government in India must be maintained on the *diabolical* principle of degrading human nature and disgracing the British name and character in the basest manner; and surely no epithet could prove too harsh and criminating, when applied to the doctrine that the English security in India depended on our keeping the native princes in ignorance. What? could not the government of India be conducted without obliging the native princes to submit to the most abject humiliation and servility, without stripping them of their revenues, totally destroying every semblance of royalty and independence, and every pretension to sovereign power and personal happiness and comfort? Better were it for this country to abandon India for ever, than to continue to hold it on terms so ungracious and derogatory to every generous and manly feeling. Lord Mulgrave next observed, that he could with greater ease speak his sentiments on the subject of the pre-

Lord Mulgrave.

ſent charge, than on any which had preceded it. On the charge of the contracts, as on ſome other, it was difficult to draw the line between what might be deemed tolerated patronage and a corrupt exerciſe of power; but in the charge under conſideration there was leſs difficulty: the facts which it contained were not involved in doubt, nor perplexed with being ſubject to a variety of intepretations. In order the better to ſtate his opinion of it, he ſhould beg leave to appeal to every man who heard him, whether the Regulating Act of 1773 had not been paſſed with the expreſs view of putting an end to the ſcandalous extortions which had ſo long diſgraced the Britiſh name in India, through the boundleſs rapacity of the ſervants of the Company, and to the infinite oppreſſion of the native princes. Before that Act, when any man went out to India to accept of a place, the holding of which gave a right to the exerciſe of power, was it not uſual, even before ſuch perſons landed in India, for them to make up their minds as to the fortunes which they meant to collect, and even to fix the period, when they were determined to leave the country and come home? To relieve the natives from being plundered ſo ſhamefully, the Act of 1773 was paſſed, and Mr. Haſtings had that Act ſent over to him, as a weapon to defend himſelf with againſt the improper requiſitions of the army, and as a ſhield of protection for the native princes.——That Mr. Haſtings clearly underſtood the meaning of the act and the intention of the Legiſlature, was evident paſt all doubt, from his own words. Lord Mulgrave here read an extract of a letter from Mr. Haſtings, in which that gentleman defines the words of the act, and ſtates their meaning to be ſo explicit, ſo obvious, and ſo little liable to diſpute or queſtion, that he declares it to be impoſſible either to be explained away or evaded. And it is well known, that when Colonel Champion applied for commiſſion to divide ten lacks given by Sujah ul Dowlah to the victorious Engliſh army, Mr. Haſtings refuſed his conſent, becauſe to have granted it, muſt have proved a breach of the new act juſt then arrived, and the leaſt oppoſition to it muſt have rendered him open to the penalty. Serviceable and ſalutary were the powers which Mr. Haſtings derived from this act; for it not only was calculated to ſerve him as an unerring guide with reſpect to his own conduct, but might in his hands prove an uſeful check to the ardour of others for plunder through the medium of preſents. Having made this remark, Lord Mulgrave inſtanced the caſe of the army, eager perhaps to ſeize on the property of the natives, and conſcious of having deſerved reward by meritorious ſervices: by ſhewing them the act Mr. Haſtings might quiet their impatience and correct

their inclination to act improperly. It was intended also as an example to the natives of India of the power of Great Britain and her justice, by convincing them that all her subjects, however high their rank, however extensive their power, were amenable to the same, and that she considered and provided for the protection of all who owned her tutelage with the same parental care, the same parental regard, which characterized her conduct over her own immediate subjects. The pretended construction put upon the act passed in 1773, by Mr. Hastings, by the Court of Directors, and by the Board of Control, was a construction which neither the Court of Directors nor the Board of Control had admitted or acted upon: if that construction was allowed to be the true meaning and intent of the act, the very end of passing it would be done away and destroyed. If Mr. Hastings, under colour of receiving presents on the Company's account, might take whatsoever he pleased from the native princes, how would the act relieve them from oppression, when in fact it would only change the channel of rapacity? In another point of view, let it be considered that the act expressly stated, that no servant of the Company should on any account receive presents: if any servants of a rank subordinate to that of Governor General, therefore, took presents, with what face could the Governor General call them to an account for such a breach of the law, when they might retort upon him and say, "You set us the example! "we thought we could not do wrong in copying your conduct." But, let the present have been given to whom it might, the act was equally unlawful; it was a breach of the laws of that country to which Mr. Hastings was amenable, although he was the Governor of those provinces in the East. Had Mr. Hastings come to that House, and expressed his acknowledgements of his having committed an involuntary breach of the law, instead of thus attempting to screen himself, by presuming in his having acted with the greatest propriety from having paid the money to the Company, he then would have enjoyed claim to the indulgence of the House—Now he had nothing to expect but the exercise of its most rigid justice. But the enormity of this breach of the law was evinced from a consideration of its principle and the reason of its having been passed. A noble Lord (Clive) once made a speech, the words of which were exceedingly remarkable and expressive of the state of India, at the time when the Legislature conceived the necessity of immediately passing this act, to prevent the receipt of any more presents by the Company's servants. Then, presents were so prevalent, that they were made not only from Nabobs and their ministers, but even the lowest subordi-



nates

nates offered them to persons of every avocation, and in every department. It was holden out as an incentive to go to India—You see what a fortune such a Lord has made; how much wealth such a Mr. has acquired. This was the language of that day; and thus was venality and oppression disseminated throughout the country. Then it was calculated how many years it would be necessary to spend in India, before a fortune could be made to enable you to return to enjoy your spoils in your own country with the greatest pomp and opulence. To remove this cause of corruption, rapacity, and oppression, this act was passed. It was therefore highly criminal in Mr. Hastings to have broken this law on any pretence whatever. Again, the act declared, that each servant of the Company offending against it should be sent home in disgrace, that was a part of the punishment. Could the Governor General send himself home? In the present instance he was at home, and had thus escaped a part of the punishment due to himself. If Mr. Hastings could clearly establish hereafter, and in another place, that he had not acted in regard to the presents from a corrupt motive, and that he had paid all into the Company's treasury, or accounted for them to the Directors, such an allegation would doubtless prove a strong ground of extenuation.

Sir James Johnstone. Sir *James Johnstone* remarked, that he could not avoid expressing his disapprobation of the argument urged by an honourable member (Major Scott). If it were true that Mr. Hastings had misunderstood the act of parliament, that the Directors had fallen into the same error, and that the Board of Control, and the Government at home, were equally in the wrong, as having entertained the same groundless opinion, it was high time to mark the meaning of the Legislature by some decisive measure. The honourable gentleman (Major Scott) had chosen to allude to prophecy; yet, for his own part, Sir James said, he should not scruple to confess, that, in spite of laboured panegyrics upon the predicting Governor General, he reverenced the prophets of old, rather more than the new prophet of the present æra. He was glad to hear, however, that Mr. Hastings had repented of his East-Indian sins upon the banks of the Ganges, although he greatly doubted, whether all the waters of that river would prove sufficient to wash them away. Innocent or criminal, Mr. Hastings, he could affirm, with certainty, was now in England; and with equal certainty could he declare, that this Governor General would find it very difficult to get back to his oriental territories. In conclusion, Sir James remarked, that he concurred in the general and anxious wish, that Mr. Hastings might be brought to his trial

yet not without sincerely hoping, that he might obtain a fortunate deliverance.

Mr. *Burgess* declared, that he differed *toto cælo* from the honourable gentleman who had opened and moved the charge, and from a noble Lord (Mulgrave) as to their construction of the act of 1773. He read the words of it, and contended that the meaning warranted by those words was, that the servants of the Company were prohibited from receiving presents on their own account, but not on that of the Company. He produced the act of 1784, and read the clause referring to the act of 1773, and argued, that if the act of 1773 had really been liable to the construction contended for, there was not any occasion to insert that explanatory clause in the act of 1784. It was therefore evident from these clauses, that Mr. Hastings had not committed any breach of law contained in this act. He had not received the presents for himself, nor had they been received by any other person in his behalf. This had not been either alledged, or attempted to be proved. Even his accusers had acquitted him of this part of the crime. The noble Lord (Lord Mulgrave) himself had not only acquitted him of such an imputation, but he had even offered an argument to shew his innocence of not having applied the money to his own purposes. For what had the noble Lord observed? Why, that indeed so far had Mr. Hastings been not guilty of applying the money to his own purposes, that no evidence whatever was offered to prove that he had committed this act of criminality. If therefore it was universally admitted, that the Governor General had not applied these presents to his own use, and, as the words of the act were directed to no other interdiction, it was evident to him, he (Mr. Hastings) had committed no breach of law, of which he had now been accused, and which formed one leading principle of the present charge before the Committee. The noble Lord must have known himself that the act did not interdict the receipt of presents by any of the Company's servants, provided they were not taken or applied to their own purposes; for he was present when the act was made, he therefore must have read it; as all who contributed to the making of a law should know of what the law consists. No person who had read the act with the least attention or impartiality, but must acknowledge the propriety of what he had observed, and that Mr. Hastings was innocent of this part of the charge. If those who have not read it would give themselves the trouble, he was convinced they could not vote Mr. Hastings guilty of what was now imputed to him. Such was the act, and he was therefore determined to express his sentiments, which he should never be afraid to do in the cause of innocence un- Mr. Burgess

justly accused; and such he was not afraid to pronounce Mr. Hastings on the present occasion. Whatever had been his conduct on other occasions, on this he was convinced there was no possible trace of criminality. He had taken the presents, not against any law, nor had he corruptly taken them for his own emolument. He should not therefore hesitate to vindicate him on this, and every such occasion, where his innocence was so very evident: and he should consequently give him his vote against the substance of the present charge.

Mr. Wilbraham

Mr. *Wilbraham* observed, that the projected trial of Nundcomar for conspiracy, which had been abandoned, and his subsequent trial and execution for forgery, were events which followed so close upon his charge of corruption against Mr. Hastings, as to warrant weighty suspicion, notwithstanding the assertions which had fallen from the honourable Major, who pledged himself in that House to refute any charges of *corruption* which could be brought against the Governor General; and he trusted the vote to be given that night would convince the honourable Major how much he had deceived both himself and that House. His defence of the conduct of Mr. Hastings, with respect to his persecution of Nundcomar, was of a piece with the honourable gentleman's other misrepresentations, and carried with it equal weight in his opinion. But what would be said of Warren Hastings, when it was recollected that he shrunk from the inquiry, at a time when it might have been fully investigated, and he even *courted* the present inquiry at this remote period. It was an inquiry which would ever reflect honour on the British name; and he hoped to see the vote of impeachment followed by an act of parliament, for restoring to Cheit Sing, and the other unhappy sufferers in India, what they had been so inhumanly and illegally robbed of.

Mr. Grenville.

Mr. *Grenville* declared his concurrence with almost every point which had been urged by the honourable gentleman who moved the resolution. He affirmed also, that he agreed with his noble friend (Lord Mulgrave) as to the sentiments which he had delivered, and endeavoured to rescue the Directors and the Board of Control from the charge of their having either misunderstood, or neglected to enforce the execution of the act of 1773. asserting, that excepting in one letter of the Court of Directors sent to India, not a single trace of inattention to the act could be found. He explained the clause of the act of 1784, by contending, that although in the conception of that House the meaning of the act of 1773 was clear and explicit, yet as some persons had been known to entertain a doubt, it was thought right, by an explanatory act of 1784, to put the matter out of all manner of doubt. Mr. Grenville observed, that upon the present

occasion.

occasion, he could not resist a most justifiable and even necessary attempt to save Mr. Larkins from what he thought rather too harsh treatment, and declared, that he had ever understood that gentleman to be a man of strict honour and unimpeachable integrity, and by no means capable of wilful perjury, though he had certainly, through a mere and obvious inadvertency, sworn fully, instead of swearing *to the best of his knowledge*, respecting Mr. Hastings' letter of 22d May, 1782, not having been opened since he had parted with it out of his hands. Several circumstances accompanying this matter were of so ambiguous a nature, that he could not avoid persuading himself that Mr. Larkins never harboured a confirmed intention to act with duplicity. With respect to what had fallen from an honourable gentleman behind him, (Mr. Burgess) Mr. Grenville said, that he must contend that the act was strong enough to answer every purpose for which it had been framed. This letter, which had been read by an honourable gentleman, instead of defending, went to condemn the Governor General's conduct. The laws having been found inefficient to guard against the increasing inroads of corruption, it was thought necessary to enforce the operation of that act, by establishing a new code, which was intended to remove the cruel extortions and oppressions, under which the poor natives of India groaned. Shall, then, the Governor General endeavour to shelter himself under a misconception of law and aggravated injustice by extortion? His demand upon Cheit Sing was shameful and inhuman to the most criminal degree; and, Mr. Grenville added, it was his wish to carry before the august tribunal of the House of Lords, the man who had dared to sully the lustre of the British name, and to trample on the sacred inheritance of an unoffending race of people. The Rajah Cheit Sing had been called upon by Mr. Hastings for five lacks of rupees; and at the very time when the Directors were deliberating at home on what measures it would be proper to pursue with respect to that chief, the Governor General was extorting from him a present of two lacks for his own private use.

In conclusion, Mr. Grenville observed, that when he followed up his earnest wishes to vindicate the Board of Control from any imputation of being a party, in what was called the misconstruction of the regulation act, he must beg leave repeatedly to insist, that the new act was, to prevent the former one from being evaded by that cunning and artifice which had been employed by Mr. Hastings; and from various letters and documents he contended, that Mr. Hastings himself would never have understood them in the manner now represented. If, in this proceeding, Mr. Hastings had exercised peculation and extortion, and had only exercised

them

them to supply the exigencies of the public service, and had always applied them to that sole purpose, this, though not a justification of the conduct, would be, at least, a diminition of the offence. But no such palliation as this appeared in the transaction; and though it was not absolutely proved that Mr. Hastings had not converted this money to the public service, yet there was very strong ground for something more than suspicion, and his avoiding to give any explanation of the business, though ordered to do so by the Court of Directors, made every circumstance still more suspicious and unfavourable.

Mr. Sheridan.

Mr. *Sheridan* begged leave to remind the right honourable gentleman who spoke last, that of all insinuations whatsoever, that which might have fixed upon the minds of the Committee even the shadow of a suspicion that Mr. Larkins had proved guilty of corrupt and wilful perjury, was the most distant from his idea. The whole of what he meant to intimate was, that an incontrovertible fact stood forward, which, in its nature, ascertained, that Mr. Larkins had deposed, upon oath, to the truth of some points, which most certainly did not fall within his own immediate knowledge; and, doubtless, it was fair for him (Mr. Sheridan) to take this justifiably-drawn conclusion, in aid of such proofs as it became requisite to establish from the letter in question. Mr. Sheridan trusted, that it was scarcely needful for him to add, that the right honourable gentleman (Mr. Grenville) could not possibly suppose, that if any solid ground for a charge of perjury had existed, he would not have made it openly; and in that spirit of disdain with which no man considered the base darkness of insinuation more heartily than himself.

Mr. Grenville.

Mr. *Grenville* answered, that he could assure the honourable gentleman, that it was far from his meaning to impute any such charge to him, but barely to say, what he still thought, that the drift of his argument did not stand in need of the introduction of his pleasantry concerning Mr. Larkins and the letter. As to the rest, he rejoiced to find that the honourable gentleman had, with his habitual candour, so satisfactorily explained his meaning.

Major Scott

Major *Scott*, in reply to Lord Mulgrave, who had asserted that it was a shabby defence, to plead that Mr. Hastings had mistaken the law, and that it was a diabolical doctrine to advance, that the English security in India depended on our keeping the native Princes in ignorance, said, I must trespass upon the indulgence of the Committee for a very short time, if they will permit me, in order to obviate two objections that have fallen from the noble Lord below me. It is not, Sir, from any conviction in my own mind, that I say Mr.

Hastings

Hastings mistook the law, but when great and respectable authorities in England assert it, I am desirous of bowing to their opinions; but this I contend, Mr. St. John, that the noble Lord is totally unfounded in saying, that Mr. Hastings, when he received the bill, had a different opinion of it; and this, which is the main point, I am very confident I shall be able to prove, even from those circumstances which the noble Lord has adduced, to prove the reverse. The noble Lord says, that when Colonel Champion applied for permission to divide ten lacks, given by Sujah Dowlah to our victorious army, Mr. Hastings refused his consent, because it would be in breach of the new act just then arrived; and to oppose it, would be to incur the penalty: but will the noble Lord go on a little farther, and he will find, that Mr. Hastings proposed, in November 1774, that the government of Bengal should do all that was in their power, namely, receive the money as a deposit, and submit it to the Court of Directors to take such steps as they thought proper, in their wisdom, to secure the money to the army. What did the Directors do? Why they approved of the money remaining as a deposit; and after repeated representations from Bengal, they, with the sanction of the Board of Control, have given that money to the army which served in the Rohilla campaign; yet, by the noble Lord's doctrine, they have all acted against law.

Now observe, Mr. St. John, what Mr. Hastings did on another occasion. On the 31st of October, 1774, a few days after the establishment of the Supreme Council, he brought to the Board two bags, one containing 147 gold mohrs, the other containing 327 rupees, being the nuzzars he had received since the operation of the new act. He gave it as his opinion, that he ought to continue to take them, and to bring them to the Company's account; but submitted his opinion to the correction of the other members; and it was agreed, that this money should be paid into the treasury, and that the treasurer should receive such other sums as Mr. Hastings should hereafter pay in, under the same head. General Clavering, Colonel Monson, and Mr. Francis, gave it as their opinion, that to receive any presents, would be a breach of the law; but if the noble Lord reads their minutes, he will clearly see that they do not apply to the minute of the Governor General, but to that of another member, who had received and given trifling nuzzeranas, without bringing them to account. The noble Lord will also see, by a public account on your table, that presents to the Governor General, form a regular head of receipts, under the head of Durbar charges. In one year, the Company received above two thousand pounds; in another, three; in

another nine; and so on. But, according to the noble Lord's construction of the act, the most trivial of these presents was, in fact, as much a breach of the law, as the highest: and so chaste was General Clavering, that he not only applied it to money, but he would not accept a plate of mangoes, or a basket of oranges. I contend, therefore, that if the construction which the noble Lord puts upon the law, is a true one, every man in England, and in India, whose duty it was to enforce the observance of that law, has mistaken it, as well as Mr. Hastings.

With regard to the second observation of the noble Lord, that it was a diabolical doctrine to support, namely, that we must destroy the morals of the native princes in India, in order to govern them; I affirm that I never uttered nor conceived such a sentiment; but this I will affirm, that it was a most wise and proper measure to appoint Munny Begum, the widow of Meer Jaffir, to the guardianship of the Nabob during his minority, after the Court of Directors had ordered Mahomed Reza Cawn to be removed. The person, who from his family had pretensions to that office, was Yeteram ul Dowlah, the Nabob's uncle; but he had evidently an interest in his death, as his own son would in that event have succeeded to the Musnud; and the jealousy and want of principle in Eastern courts, are too well known to require their being mentioned. If an ambitious Mussulman had been appointed to the office, he might have instilled notions into the Nabob's mind very dangerous to our own government; for there can be no danger in stating that which all the world knows to be true, that the Mahometan government was an usurpation upon the natural and just government of Hindostan, and that our government is an usurpation upon theirs. That the natives, the greater mass of the people, are happier now than they were under their Mahometan rulers, we know; but this I contend, that the aspiring and ambitious Mussulmans, who are even sunk to down-right insignificance compared with their former state, must behold us with jealousy, and something more. I contend, therefore, that it was prudent to preclude men of this description from the person of the Nabob; and the Directors saw the appointment of Munny Begum as made with a view to this consideration, and they very warmly approved of it.

Mr. Sloper. Mr. *Sloper* said, Mr. Larkins might safely have sworn that the letter had not been opened since it was sealed, as the direction was his own writing, and Mr. Hastings had broken the seal in his presence.

Mr. Ald. Le Mesurier. Mr. Alderman *Le Mesurier* spoke in favour of Mr. Hastings, declaring that he, as a Director, had ever understood the construction of the act of 1773 to be that which Mr. Hastings

Haſtings had put upon it and under which he had acted.

At length the queſtion was put, and the Houſe divided, Ayes, 165; Noes, 54.

When the ſtrangers returned, the Chancellor of the Exchequer was ſettling in what manner the Report ſhould be brought up. It was ſoon afterwards brought up by Mr. St. John, and upon the queſtion, "that it be read a firſt time,"

Alderman *Le Meſurier* oppoſed its being received, it being a matter of infinitely too much importance to enter into at that late hour of the evening. There was a great number of gentlemen who had not as yet given their ſentiments; and it would be unfair and unjuſt to hurry on the queſtion with ſuch precipitancy, as to prevent gentlemen from giving their votes according to the opinions they had formed upon the whole of the charges. The Alderman, for that reaſon, moved as an amendment, "that the word now be omitted, and "the word to-morrow be inſerted." Alderman Le Meſurier.

Mr. *Dempſter* ſeconded and ſupported the motion, aſſigning as a reaſon that many gentlemen were abſent, who wiſhed to be preſent at the diſcuſſion of ſo great a queſtion. Mr. Dempſter.

Mr. *Burke* anſwered, that thoſe who were not preſent ſtood without excuſe, if they felt any wiſh to be preſent. The proceeding had been long and arduous, and rather lingering than precipitate, and no man could complain of want of ſufficient notice. Indeed, ſo full an houſe as that was, proved that the notice had been ample, and he hoped that the Houſe would aſſert their authority, and not conſent to farther delay. Mr. Burke.

Mr. *Rolle* declared, that he wiſhed that every gentleman might have a full opportunity of hearing all the arguments, and of giving his vote. He meant therefore to oppoſe coming to a deciſive queſtion that night; but he had voted in ſupport of the laſt motion, becauſe he thought the taking the preſents corruptly, and contrary to the act of 1773, clearly eſtabliſhed. Mr. Rolle.

Mr. Chancellor *Pitt* obſerved, that, in a buſineſs of ſuch conſequence as that before the Houſe, he felt every ſucceſſive ſtage become more and more important, and could not therefore repreſs his anxiety to preſerve that degree of formality and regularity in the proceeding, which ſhould leave him and other gentlemen members at full liberty to deliver their votes, ſingly and excluſively on the merits of the grand deciſive queſtion of impeachment, free from all manner of heſitation ariſing from any objectionable form in which that queſtion might come forward. He therefore wiſhed to know how the right honourable gentleman intended to proceed? For his part, having in ſome of the articles gone only Mr. Chancellor Pitt.

a certain length in his assent, and by no means admitted a degree of guilt, of an extent equal to that imputed in the charges, he could not think himself justified in joining in a general vote of impeachment, which might seem to countenance the whole of each several charge; those parts which were really criminal, as well as those which were of an exculpatory nature. The method which was most adviseable, in his opinion, to pursue was, just to refer the charges to a Committee, in order to select out of them the criminal matter, and frame it into articles of impeachment, and then, on those articles, when reported to the House, to move the question of impeachment. If, on the contrary, the mode adopted was to move the impeachment immediately, he should find himself under a necessity of moving, on the Report from the Committee, which had already sat on the charges, several amendments, confining the effects of each charge to that degree of real guilt which he thought appeared in it. He waited therefore to be informed which was the intention of the friends and authors of the prosecution in this respect, that he might regulate his conduct on the report accordingly.

Mr. Fox. Mr. *Fox* observed, that when he felt the pleasure of discovering even those gentlemen whose political principles and remarks so often militated against his own, seriously adopting the same sentiments upon a great and important question which he entertained, no man was more willing to bend himself to their wishes as to the mode of best carrying those sentiments into effect. It was therefore with great concern that he felt it impossible for him to agree with the right honourable gentleman in the proposition which he had just stated: but he really could not do so without betraying, as he conceived, the business in hand, and weakening even to the dangerous risk of losing it ultimately, the great question naturally consequent to all the discussion and elaborate investigations of the Committee they had just come out of; the great question "That Warren Hastings, Esq. be impeached." That question was, he thought, the next and immediate step to be taken by the House, after agreeing (if they should agree) to the Report then on the table, and they would in that case follow it up by sending word to the House of Lords, "That the House of Commons had resolved to "impeach Mr. Hastings," and declaring that they were preparing articles, and would present them with all convenient dispatch, reserving to themselves the constitutional right of supplying more articles, after they had gone through the whole, whether they should have occasion at all to exercise that right or not. Mr. Fox enlarged in support of this mode of proceeding, comparing it with the other mode as proposed by the Chancellor of the Exchequer, and con-

tending that it was the true constitutional mode, and the best to carry the views of the great majority of the House into full and efficacious execution. If the House proceeded in the manner which he conceived to be the proper, and, indeed, the only proper manner of proceeding, they would, by coming immediately to the great question, afford those gentlemen who meant to urge the argument of a set off, a full opportunity of putting their favourite reasoning to the test; they would give every gentleman an equal degree of indulgence, and the matter, as to the question of impeachment, would rest on its true merits, the sense of the majority, grounded on the votes of the Committee, and then the House would decide upon the great question fairly; and, having once decided upon it, they would run no risk of losing it in any subsequent stage, by entertaining altered opinions under the influence of reasoning on the particular form and shape of different articles of the impeachment, or, what was still more to be dreaded, and guarded against in a proceeding of that kind, by the influence of improper interference, to which the other mode of proceeding was particularly obnoxious. The other mode of proceeding was also liable to other objections. If the House went into a Committee in order to draw the articles of impeachment before they had resolved to impeach, they would set their Committee an idle, and, possibly in the end, a fruitless task; for, having ultimately to look at the question in a new light, and to decide upon the impressions of all the criticisms and sentiments of different gentlemen, the great question would prove very much weakened, and come to decision under circumstances much more unfavourable to it than at present. Perhaps there might be precedents for the mode of proceeding recommended by the right honourable gentleman. Indeed, so many were on the journals, and those so various and contradictory, that there was scarcely any mode of proceeding, however absurd and however unconstitutional, for which a precedent might not be quoted; but he much doubted whether any precedent would bear out the proposition just made. He had examined a great variety, and the nearest which he could find was that of Lord Danby, but it did not exactly meet the present case. Mr. Fox recited at large the particulars of the case of Lord Danby's impeachment; and after stating them circumstantially, pointed out the different modes of proceeding which had prevailed afterwards, as well as those, in times more modern, mentioning the impeachments of Lord Bolingbroke, Lord Orford, &c. &c. and afterwards Lord Oxford and Sir Robert Walpole, coming at length to the case of Lord Macclesfield, where the whole had originated in a message from the Crown, upon

examining the papers placed upon the table, by which the House had immediately resolved to impeach, and had sent a message to the Lords to that effect. After enlarging upon these particulars, Mr. Fox returned to his former argument, and observed, that the mode which he had taken the liberty to recommend, he was convinced, was the shortest, the best, the most likely to secure the end, and that which he could not conceive any gentleman, who meant to act fairly and sincerely in this business, or any other of the same kind which might occur in future, and who did not mean some fallacy, or by some trick to abandon it, could object to. In saying this, he begged not to be understood as designing to insinuate that any such fallacy was intended in the present instance, much less that the right honourable gentleman was not himself as sincerely desirous of sending the matter to the House of Lords as he was. He had not the smallest doubt but that he was equally serious on the occasion; but he wished to guard against establishing a precedent which might by bad men be abused in future times. He could not therefore but express his surprise that the right honourable gentleman should wish to pursue a different mode, and the more especially as he saw no reason why the amendments at which he hinted need be at all supposed an argument against the general question. Excepting only in the charge against contracts, had the right honourable gentleman made any distinction so strong as to prevent his generally voting with the resolution moved upon each of the charges carried. If therefore he had not objected, notwithstanding the various distinctions and differences which he had taken upon several of the charges, to vote that most of them contained matter of impeachment, why could he not consent to impeach, and in framing the specific articles, take the sense of the Committee upon each of his wished-for amendments; Mr. Fox added, that if he appeared to deliver his sentiments in some emotion upon the present occasion, he could declare that they were altered only with a natural warmth rather arising from his consciousness of the importance of the business, and his sense of the deep degree in which the honour, the dignity, and the character of the House, and of the nation, were involved, than from any spark of passion or intemperance of feeling. He had merely delivered his individual sentiments, independent of party or connection. They might possibly not be supported; but as he really thought he could not, without betraying the cause, countenance any other mode of proceeding, so he could not lend himself to its support; and if a question were put on the mode proposed by the right honourable gentleman, he should be obliged to vote against it.

Mr.

Mr. Chancellor *Pitt* anſwered, that he felt the ſtrongeſt conviction that the becoming warmth of the right honourable gentleman proceeded from an unfeigned zeal for the true rights and honour of the Houſe, as there was certainly nothing, either in the queſtion itſelf, or in the manner in which it had been introduced, which could give riſe to ſuch a degree of earneſtneſs, except a firm conviction in the right honourable genteman's mind, that there was ſome real danger to the event and ſucceſs of the whole proceeding, or to the eſſential forms and functions of that Houſe, actually involved in it. For his own part, he had no object, nor did he ſuppoſe that any gentleman could have an object in view, except to bring the buſineſs to its ultimate ſtage, in the moſt unqueſtionable and moſt regular manner poſſible. He ſhould therefore be extremely willing to coincide in opinion with the right honourable gentleman, and to give up his own idea upon the mode to be adopted, could he, for a moment, ſuppoſe either that the right honourable gentleman's object, which was alſo his own, would be anſwered by it, or that the right honourable gentleman's objections to the mode which he had ſuggeſted at all applied to it; but he muſt ſay that he ſtill remained unalterable in his former opinion, and he ſcarcely thought it poſſible that there could ariſe any difference of ſentiment upon the ſubject. The right honourable gentleman had argued in favour of his opinion, from the peculiarity of the preſent caſe, which peculiarity he ſtated to be, that the queſtion of impeachment was not to ſtand confined ſimply to a diſcuſſion of the exiſtence and degree of guilt; but that a ſet off was to be made of merits on the part of Mr. Haſtings, to counterbalance and compenſate for whatever faults he might have committed, the conſequence of which would prove that the Houſe muſt have the complete queſtion to determige, not only on the guilt of Mr. Haſtings, and the amount of it, but alſo on his ſervices and deſerts, and how the balance ſtood between both. From hence the right honourable gentleman had drawn an inference, that the proper method was firſt to come to a general reſolution to impeach, and then on that reſolution the queſtion of the ſet-off ſervices ought to be debated, and after the reſolution to impeach was carried, to appoint a Committee to draw up the preciſe articles on which that Houſe ſhould reſt their charge, and which they were prepared to ſubſtantiate by proof at the bar of the Houſe of Lords. But, in his opinion, this complection of the caſe, inſtead of ſupporting the propriety of ſuch a mode of proceeding, did abſolutely render a different one eſſentially neceſſary. For how was it poſſible to form an eſtimate or compariſon between the offences and merits of Mr. Haſtings, except by firſt aſcertaining

Mr. Chancellor Pitt.

the extent of each. The extent of his tranſgreſſions then could only be ſet forth in the final articles of impeachment; for it was pretty well underſtood, that the whole of the matter contained in the preſent articles of charge, even on thoſe which the Committee had voted, was not criminal nor even authentic, and that a great part of them conſiſted of facts incapable of proof, or which, if proved, could not be imputed to Mr. Haſtings as delinquencies. What then was the Houſe to do, in order to bring the queſtion of compariſon between his crimes and his deſerts fairly before them, except to ſeparate and analyze the charges, ſo as to diſtinguiſh the real guilt from that which was unfounded, and then having a clear view of a certain degree of aſcertained guilt, determine how far that guilt would weigh againſt whatever degree of merit might be alledged and proved in his favour. For his part, he was at preſent ready to confeſs, that whatever might have been his opinion of the origin of the proceeding, he was ſo fully ſatisfied, that the Houſe at leaſt could not, after what had paſſed, and after what it was in poſſeſſion of, with any ſort of propriety whatſoever, take any notice of the merits of Mr. Haſtings, great however as they might be made appear in any future ſtep of their proceedings, becauſe nothing could poſſibly occur that ſhould now induce them to reject the vote of impeachment, provided that it were done in a manner conſiſtent with what they thought ſubſtantial juſtice; but ſtill he conceived that the Houſe was bound, however individuals might have made up their minds, or however the general opinion might go, to have the friends of an accuſed perſon open to any method which they might think proper for his defence; and if they thought the plea of ſervices likely to anſwer their purpoſe to put them into a ſituation of availing themſelves of that plea in the moſt ample manner. Thus, as far as reſpected any ſuppoſed peculiarity in the caſe of Mr. Haſtings, from the intention of arguing by way of ſet off in his favour, ſo far he thought it was clear that no reaſon could be aſſigned from them for the method propoſed by the right honourable gentleman. With regard to the conſideration how far the proceeding would in itſelf be affected by the difference of the two modes ſuggeſted; in this reſpect they were both perfectly indifferent, becauſe neither would tend to retard or expedite the buſineſs more than the other. In neither caſe could the Houſe of Lords take up the buſineſs until the articles were framed; and, in point of time, no delay could ariſe from the queſtion of impeachment being put ſubſequently any more than prior to the framing of the articles. But the right honourable gentleman was apprehenſive of a precedent which might be attended with bad conſequences in future,

He

He should shortly come to enumerate a series of precedents which had already been established, but would first observe upon the principle on which the right honourable gentleman's opinion was founded. He flattered himself that the House and the nation would give him credit for as warm a zeal for, and as diligent a care of, the powers of that House, that so they should not suffer by any direct act, nor be undermined by any indiscreet management, as any gentleman whatsoever could lay claim to. But how could any danger arise in the present instance? In proceedings of this nature the House ought to govern itself by the circumstances of the particular case, and some existed, which certainly might require the most decisive dispatch, and in which it would prove dangerous to delay the great and binding resolution for the impeachment a single moment. If, for example, a Minister had been guilty of any act directly repugnant to the constitution, to the rights of Parliament, or to the interests of the State confided to his care, in such a case it would be highly expedient to come to an immediate vote of impeachment before they allowed time for drawing up the articles; even though by so doing they should sacrifice the proper and regular forms of proceeding, and perhaps lose something by that sacrifice. For when such a man found himself in such circumstances, it might be possible for him, seeing no resource for safety but a bold and desperate conduct, to avail himself of the confidence of the Crown, and advise a prorogation or dissolution of Parliament; or if he were a person possessed of great popular influence, he might, while that House were hesitating upon the form of their charge, fly into outrages of the most dangerous tendency, and create animosities and violences abroad through the kingdom, which a too long protracted impeachment, although it might at first have prevented, would prove perhaps in the end unable to compose. It so happened that in every such instance, where the party accused was possessed of a power and influence so great as to render a delay in proceeding dangerous, that the offences of which he was guilty must be in themselves of so great, so public, and so very palpable a nature, that no doubt could possibly arise as to his criminality; and there could therefore be no injustice in that summary and decisive mode of proceeding. But the same course ought by no means to be followed in cases so widely different as the present, when the accusation consisted of so very diffuse and complex a mass, of many charges which had not been substantiated, and of many facts which could not in any degree be considered as criminal, though he was ready to declare that it also contained much of authentic, and most heavy delinquency. In such a case, there could be no danger in follow-

ing the fair, obvious, and established method of first selecting and ascertaining the guilt, and then proceeding to the impeachment. Mr. Pitt now stated a number of precedents of the proceedings of the House in like cases. He mentioned the impeachment of the Earl of Arlington, Secretary of State, in the reign of Charles the First, in which the House having first received the substance of charge against him, (part of which he desired the House particularly to observe was high treason, and of course made a much stronger ground of argument) appointed a Committee to examine and report upon it what matter of impeachment it contained. (Here Mr. Fox said across the table, that this was a Committee of a similar nature to that which had just been sitting.) Mr. Pitt replied, that it was by no means; for the articles which were reported from the Committee were the very articles which were afterwards sent up to the Lords, and he believed the articles which were to be reported from the Committee on the present occasion, composed as they were of such abundance of unnecessary and irrelevant matter, were not of a nature that the right honourable gentleman who had framed them, would himself wish to have sent up to the House in their present form; so that the intention of the House in the institution of the two Committees was distinct and different. In the present the duty of the Committee was only to examine whether there was impeachable matter; in the former, to select and report what the impeachable matter was. He instanced also the impeachment of another person in the same reign, for a seditious and treasonable publication in which a correspondent course had been followed, and dwelt for some time on the proceedings against the Earls of Portland, and the Lords Somers, Oxford, and Hallifax, for the partition treaty in the reign of Queen Anne, for the purpose of proving that the form then adopted was similar to that which he proposed. But the prosecution of Lord Danby, although used as an example by the right honourable gentleman, was, he contended, a case directly in point in favour of his proposal. Upon the whole, he was of opinion, that as it had evidently been the object of the friends of Mr. Hastings to attempt to balance his virtues against his vices, the opportunity of doing which would be lost by determining on the impeachment, before the full extent of his guilt was ascertained in precise terms by the regular articles of impeachment; as no actual inconvenience could arise from it on the present occasion, and as no new precedent would be set by it, he thought it highly proper for the House, previous to their passing a vote of impeachment, to have before them the identical articles of accusation, describing and setting forth the degree and quality of the several offences which they thought themselves

selves capable of substantiating in proof at the bar of the other House, that so they might be able to determine how far those offences were sufficient to outweigh the merits which might be opposed to them, or how far they might justify the departure from the established forms of jurisprudence in this country, to which in this instance they were to be called upon to give their sanction.

The honourable *Frederick Montague* observed that the journals afforded so multifarious a farrago of contradictory precedents, that it was difficult indeed to derive from them a judgement of what was the best mode of proceeding. He instanced the case of Lord Strafford, and a variety of others, and argued upon the different modes which had at that time prevailed, and concluded with observing, that, upon the present occasion, the most constitutional form of impeachment was that which merited an adoption. Hon. Fred. Montague.

Mr. *Burke* declared, that he never had risen under a greater impressure of embarrassment and doubt, than at the moment when a right honourable member so conversant in all the forms of proceeding in the House, as the right honourable gentleman who had spoke last, was rather at a loss to decide, and when consequently, it became impossible to him, having just witnessed the utmost splendour of abilities displayed on both sides, in support of opposite positions, to that which was the properest mode of proceeding to follow. But, though nothing could give him so much concern as to differ from his right honourable friend (Mr. Fox) near him, and Heaven forbid that it should prove an omen of future frequent variances in opinion (in which case he well knew that the great superiority of his right honourable friend's abilities must bear down and extinguish his talents entirely,) yet as it appeared to him, that unanimity was most likely to continue, by adopting the mode of proceeding recommended by the right honourable gentleman opposite to him, he should advise against his own judgement, (for if he gave any preference, it must be to the constitutional mode recommended by his right honourable friend near him) that the mode so recommended, be the mode adopted and pursued. A mode, which however, appeared to him to be as likely to answer the end of dispatch as any other mode of proceeding whatsoever. Unanimity was now more essential than ever to the great purposes of conducting so important and solemn a proceeding to a proper conclusion, and he had observed, that in proportion as it had taken up time and become necessarily farther and farther discussed, the more the whole business of the inquiry had grown upon the public, and the more it had generated unanimity. Upon that principle, therefore, and that alone, he would recommend the mode proposed by the right honourable gentleman opposite to him, Mr. Burke.

The effects of the inquiry with a view to impeachment had been glorious both in that House and without doors. Without doors men's minds had been changed, rooted prejudice had been eradicated, conviction had followed, and all the world confessed that the House of Commons were engaged in a grave and important proceeding, essential to the establishment of the national character for justice and equity. Within doors all the various modes and stiles of eloquence had been called forth and displayed on both sides, to the admiration of the House, and to its infinite honour and advantage. Looking round him and seeing who were near him, he scarcely dared venture to speak farther upon a subject, in which recent experience had proved, that he found many masters much younger than himself. But, the topic operated as an excitement to the display of all the finer powers of the human understanding. It had gone much farther, softening almost into a common bond of union the hitherto obdurate hearts of violently contending politicians; sheathing the sword of embattled party, and lowering its hostile front; whilst, as it occasioned both eloquence and argument to spread themselves abroad in every quarter, the House of Commons, in which they flourished, resembled the once beautiful aspect of the Rohilla country, and presented to the admiring eye a richly cultivated garden, adorned with fruits and flowers, and forming as ludicrous a scene as that which the late Governor General of Bengal delighted to exterminate.

Mr. Burke now took notice of what had that day fallen from Major Scott, and declared, that though he could not say that the honourable gentleman had performed much public service by his conduct in the progress of the business, he had done himself everlasting credit by his active zeal for his principal, and his steady and earnest perseverance in his support. There had fallen from him, however, on that day, some extraordinary assertions. He had declared, that no man but himself had the direction of Mr. Hastings or his fortune, and that he alone had expended seven thousand pounds in procuring and conveying intelligence to the public. That a considerable portion of it had been paid to the Morning Herald, and that the paper had made but an ill return (whether the honourable gentleman meant the Morning Herald or the Morning Post he knew not) was a material assertion, for, what must they think of the fortune of that man, who, out of his private means, could afford to lay out seven thousand pounds in buying up the public prints? The power of contaminating and directing the channels of public intelligence was a consideration well worth the attention of that House.

The account of the expenditure of seven thousand pounds for the purposes of obtaining secret information, and entering into

into amicable leagues with editors of newspapers, was much too strange to bear unquestionable affinity with the description which the honourable Major had given of the poverty of his oriental friend.

It was, now, proposed to wave the motion of adjournment for the purpose of bringing up the report afresh, and adjourning the consideration of it until the next day.

This being agreed upon, the House adjourned.

*Tuesday, 3rd. of April.*

The order of the day was moved for going into a Committee on the bill brought in by Mr. Bastard, relative to the ecclesiastical courts.

Sir William Dolben. *Sir William Dolben* observed, that he had no objection to the general principle of the bill; but he thought the preamble totally dissimilar to the bill itself—He was, therefore, for the preamble to be altered in such a manner, as to cause it to correspond more to the objects intended to be obtained by the bill. He did not mean, however, to oppose going into the Committee, provided he had an intimation given that some mode might be devised to make the said preamble less objectionable. This being acceded to by Mr. Bastard, the House immediately resolved itself into a Committee—Lord Newhaven took the chair. The Committee then proceeded to consider its several clauses.

Sir William Dolben objected to several of the clauses. On that respecting the time given to characters defamed to prosecute their defamers, being only one month, he thought it would prevent their having an opportunity to punish those who had wantonly whispered down their reputation. In this short period they would not be able to ascertain who were their defamers, and as they were to be precluded from commencing any prosecution after the third month had expired, they would be entirely prevented from doing their injured characters justice. He proposed, therefore, that the time should be extended to twelve months, but finding Mr. Bastard not agreeable to this extension, he recommended six months, which was agreed to.

Sir William Dolben then objected to the time specified in some other clauses; among these was one, which admitted prosecutions for fornication twelve months after the fact had been committed. He said, that this would be subjecting many persons to very vexatious and troublesome processes. He would therefore wish it extended no farther than eight months.

Sir William Johnstone. Sir *Will. Johnstone* thought, that as the parties frequently married in order to avoid these prosecutions, they should cer-

tainly be liable to no other; for, matrimony was surely sufficient punishment for a man who had committed the crime of fornication.

Mr. Bastard. Mr. *Bastard* contended for the propriety of the time specified in the clause.

The Committee therefore divided.—The numbers were.

Against the amendment 90. — For it 2.

Majority for twelve months 88.

The rest of the clauses having been read and passed, the House resumed itself, and agreed to receive the report on the morrow.

The order of the day being read for the third reading of the insolvent debtors' bill, it was moved, that the said bill be now read a third time.

Mr Gilbert Mr. *Gilbert* begged leave to remind the House, that he had some reason to expect that the jails were filling with prisoners, who took advantage of the insolvent debtors' bill, and after making a fraudulent assignment of their property, surrendered themselves merely with a view to cheat their creditors. As it was, in his opinion, necessary to inquire into this fact, he should move an amendment, by inserting instead of the word now, this day three weeks.

Mr Alder. Sawbridge. Mr. Alderman *Sawbridge* expressed his surprise, that the honourable gentleman had suffered the bill to pass through all its various stages, to the very last; even to the third reading, without having offered any the smallest objection, and then, on a sudden, endeavour to postpone its passing that House. It was an exact copy of the insolvent debtors' bill of 1778, which had passed that House and the House of Lords with universal concurrence. He enlarged on the extreme distresses of the debtors in jail, spoke of their numbers, of the crowded prisons, of the injury sustained by their families, and the great loss which thence, ultimately resulted to the public. Attending to these circumstances, he still trusted, that the honourable gentleman would withdraw his motion.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* contended, that no arguments which had fallen from the honourable gentleman, who moved the amendment were meant as an opposition to the principle of the bill, but merely as a suggestion for such delay as should enable the House to judge how far the present provisions in the bill might prove the means of encouraging fraud and imposition. He recapitulated the account given by Mr. Gilbert, of numbers of people having, from the prospect of the insolvent act, procured themselves to be thrown into prison, in order that they might take advantage of it, and observed, that the best friends to such an act could not wish to be instrumental in giving effect to designs and practices of so dishonest a tendency. The delay moved for, could by no means

retard, in any great degree, the progress of the bill, because if it were now to be passed, it could not be taken up in the other House before the recess.

Mr. Alderman *Newnham* declared, that if a debtor really and *bona fide* surrendered his all for the benefit of his creditors, he saw not what difference it made, whether debtors went into prisons on account of captions, or by way of self-surrender, in consequence of the bill in question. Mr. Alder. Newnham.

Mr. *Burgess* reprobated the shameful state of the insolvent debtor laws, which (he said) were a disgrace to the statute book of a free country. He instanced that three persons had suffered execution in consequence of these laws, when in fact, they had been most illegally condemned. He declared that he meant, after the holidays, to institute an inquiry into the state of the insolvent debtor laws. Mr Burgess

Mr. Alderman *Le Mesurier* arose (as sheriff of London) to give the House some information respecting the state of the prisons in London and Southwark, and he begged leave to assure the House, that debtors had not come into those prisons faster, or in greater proportions in consequence of the pending insolvent debtors' bill than before. He stated, that the chance of an insolvent debtors' bill passing both Houses had of late years, been so precarious, that no debtor in his senses, who was at liberty, would cast himself into prison upon so uncertain a risque as a speedy delivery under the sanction of a pending insolvent debtor's bill. Mr. Le Mesurier spoke in particular of the inconveniencies suffered in the jail of Newgate from its great crowd of prisoners, and said, that the custom of imprisonment for debt called so loudly for some alteration, that he was exceedingly happy to hear that a member of so much abilities as the honourable and learned gentleman near him (Mr. Burgess) had intimated his intention to institute an inquiry into the state of the insolvent debtors' law. Mr Ald Le Mesurier.

Sir *Joseph Mawbey* observed, that it had often fallen to his lot to bear a share in the burden of magisterial duty, in the discharge of insolvent debtors at St. Margaret's Hill, and he could assure the House, that much fraud was practised on those occasions. He was glad, therefore, to hear of an intention to institute an inquiry into the state of the law in the particular case of insolvency. He hoped that some permanent plan would be devised, to put a period to the practice of sending a man to jail for debt, and at the same time afford good security to the creditor, and guard him against fraudulent debtors. Sir Joseph Mawbey

The question being put, the House divided,

Ayes 61, — Noes 46.

The bill was then read a third time, and passed.

The order of the day being read for taking into farther con-

ſideration the report of the reſolutions on the charges againſt Warren Haſtings, Eſq.

Major Scott Major *Scott* obſerved, that he came to the Houſe with an intention of oppoſing the reſolutions being read a ſecond time; but as a new mode of proceeding had been adopted, which would give him an opportunity of ſubmitting what he had to offer to the conſideration of the Houſe, prior to the vote of impeachment, he ſhould reſerve himſelf until that time.

Mr. Burke. Mr. *Burke* ſaid, that the friends of Mr. Haſtings would, undoubtedly, do right to take their own time for urging ſuch arguments, as, in their opinion, were moſt likely to ſerve their cauſe.

Mr. Sheridan. Mr. *Sheridan* remarked, that he thought it fair to apprize the honourable gentleman (Major Scott) that he could not have a better opportunity of arguing the merits of Mr. Haſtings, by way of ſet off, than the preſent. If the merits of Mr. Haſtings were to be meaſured againſt his criminality, the faireſt, and indeed the only mode to enable the Houſe to do ſo, at the proper ſtage of the proceeding, would be for the honourable gentleman then to go into a ſtatement of thoſe arguments, on the merits, which he meant to uſe. In that caſe, it might be found neceſſary for the gentleman on the ſide of the Houſe where he ſat, and all thoſe who had voted for the charges, to call for papers in order to repel the weight of thoſe arguments which the honourable gentleman might urge, or to do away the impreſſion which they, or the evidence of any witneſſes whom the honourable gentleman ſhould think proper to call, might make upon the minds of the Houſe. This could only be done by the honourable gentleman's entering into argument in the preſent moment, becauſe if he did ſo at any ſubſequent period, it would have an unfair effect on the charges, and the Houſe would not be able to give the maſs of criminality, already eſtabliſhed, its due weight. In order to exemplify this, Mr. Sheridan put a variety of hypothetical caſes, to ſhew the manner in which not ſtating the argument on the merits of Mr. Haſtings as a ſet off then, might poſſibly operate as a diſadvantage againſt the ſupporters of the charge, who were to meaſure the merits againſt the guilt. Different gentlemen had ſettled in their own minds different ſcales of the criminality of Mr. Haſtings, by which each individual would naturally meaſure guilt and its merits, and ballancing the one againſt the other, decide accordingly. Suppoſe, therefore, the Committee to whom the charges were to go to be put into proper ſhape and form, as articles of impeachment to be ſent up to the Houſe of Lords, ſhould reduce the charges to two, was it to be imagined that they would admit an unproved and alleged *quantum*

of merit against a proved and a substantiated guilt contained in two charges? Mr. Sheridan said, that he was surprised also, to find that the right honourable gentleman opposite to him did not rise and urge the arguments, which he had declared, he meant to bring forward in support of those differences and distinctions concerning which he had talked as being entertained by himself, respecting some of the charges, and in particular, that relative to the contracts. He was at a loss to imagine, how the right honourable gentleman could possibly sit and hear the questions put upon the resolution relative to those charges, the motion upon which specified distinctly and by name, among other grounds of criminality, Mr. Auriol's and Mr. Belli's contracts, to both of which the right honourable gentleman had expressly objected. With regard to the charge relative to Benares, the right honourable gentleman had, in the course of his argument, stated some objections, though he had made no motion. This, therefore, appeared to him the fit opportunity for discussing those objections.

Mr. Chancellor *Pitt* having remarked, that no person was better entitled than the honourable gentleman to adhere strongly and pertinaciously to his own opinions, because no man was capable of forming them more judiciously, when he gave himself time to consider them, added, that it was the first time he ever recollected to have heard any member attempt to dictate to those from whom he expected opposition, to what stage of the proceeding that opposition should be applied. It was surely left open to any gentleman to choose that particular period in which he thought he could, with the greatest advantage, offer his sentiments to the House; nor did he know by what title any person could arrogate to himself the prerogative which the honourable gentleman had attempted to exercise of choosing for other members the time in which it was thought proper for them to come forward with their opinions. For his own part, although he coincided with the honourable gentleman who brought forward the prosecution, on the general question of the impeachment, yet on the particular articles of it, he should, in all probability entertain some difference of opinion. This would of course lead him to submit some propositions to the House, with the view of narrowing the subject matter of impeachment, and confining it to such objects as appeared to him of magnitude and probability sufficient to warrant such a proceeding. But those propositions he should certainly submit in that stage of the business, which he thought best adapted to them, and in which he should be able to do it in a manner best calculated for the ease of the House, and for the satisfaction of his own mind. Yet he was somewhat surprised, that the honourable gentleman, zealous as he certainly was

Mr Chancellor Pitt.

in the cause, and happy to bring it to a speedy conclusion, should suggest a mode of proceeding likely to be productive of great delay and difficulty—the examination of witnesses to substantiate whatever merit might be alledged in favour of Mr. Hastings, and have its weight as a *set off*. Nor could he reconcile it to such zeal and anxiety, that the honourable gentleman should be extremely solicitous to procure an opposition to any one individual stage of the business, as he seemed upon the present occasion. And it appeared to him still more extraordinary to hear the honourable gentleman complain of the delay, after the acquiescence which he had himself given, not only by his silence, but also by evident marks of assent to what he had proposed the day before, and what the right honourable gentleman opposite to him (Mr. Burke) had then so fully acceded to, and approved. He had already spoken his sentiments so amply on the subject, and should have occasion perhaps again to say so much more concerning it, and it was indeed his duty, on many occasions, to take up so much of their time—but more from a desire to consult the ease of the House, than with any view to his own convenience: he should avoid repeating what he had already stated in argument, and content himself with remarking, that he had heard nothing which could alter the opinion under which he and the House had separated the preceding night; and he declared, that having that night understood, in common with the House, that no debate was to be brought on of a nature similar to that which the honourable gentleman wished to set on foot, he should, were such a proceeding to be adopted, feel himself precluded from taking any part in it whatsoever.

Mr Sheridan. Mr. *Sheridan* begged leave to assure the right honourable gentleman, that he by no means designed to arrogate to himself a prerogative which did not belong to him, much less to assume the right of dictating to any of the members, when they should urge such objections as they might mean to offer. He had, in fairness, risen to apprise the honourable gentleman (Major Scott) opposite to him, that if he or any other friend of Mr. Hastings meant to argue the merits of Mr. Hastings by way of *set off* against his criminality, they could not take a more favourable opportunity than the prepresent. He had assigned his reasons for entertaining that opinion, and that opinion he still continued most firmly to embrace. The remark, that he had tacitly conceded to the propositions of the right honourable gentleman the preceding evening, was certainly well founded; but he had not either recalled or violated that concession; for what was it, but an acquiescence, instead of insisting on putting the question, "That Mr. Hastings be impeached," as soon as the Com-

mittee had agreed to the resolutions contained in the Report, that the resolutions should be referred to a Committee, to be by them put into proper shape as articles of impeachment. Had he in the smallest degree resisted that in his former argument? He certainly had not, but had merely argued upon the resolutions then about to be read a second time; and so far from that being contrary to any agreement or general understanding of the House, the reverse was the fact; for it had been generally understood, that the debate of that day was to have been put upon the resolutions, and a quarter of an hour before he rose, he had heard the honourable gentleman himself (Major Scott) observe, that he meant that day to have gone into much argument upon the subject. The right honourable gentleman had thought proper to make his complaints against being dictated to, as to the time most proper for him to make his objections, but he (Mr. Sheridan) must still persist in saying, that after the right honourable gentleman's having moved an amendment to the resolution originally moved upon the charge relative to contracts, he knew not how the right honourable gentleman could sit in his place, and say, *Yes*, when the question was put upon it, thereby affirming, that Mr. Belli's and Mr. Auriol's contracts contained matter of high crimes and misdemeanors against Warren Hastings, Esq.

Mr. *Burke* remarked, that he felt it necessary to protest, and this in the most solemn manner, against the entertaining, for a single moment, such an idea, as a *set off*, against a pointed, positive, and direct personal criminal charge. A *set off* could only be urged, where general criminality was imputed or suspected, against which it might be fair to plead general merits, but where a specific charge of criminality had been exhibited, it became an act of duty to put the party accused upon his trial, without regard to any merits which he might possess, in any part of his conduct. In the present case, it would be idle to talk of admitting the plea of any merits in Mr. Hastings, as a *set off*; and, indeed, if the general maxim, to which he had just adverted, was not of itself sufficiently strong, two points were urged by Mr. Hastings himself in his defence at the bar, which rendered any attempts to plead his merits as a *set off* against his crimes impossible. These were, in the first place, Mr. Hastings' complaint against his accuser, for tardiness, for not bringing him to his trial with sufficient dispatch. Secondly, Mr. Hastings' declared disdain of any benefit which might result from having his general merits pleaded, either as a palliative, or a justification of his conduct. As to the person who stood forward as the accuser being charged with tardiness, he was ready to plead guilty to the allegation. That Mr. Burke.

person ever had been, and ever would be slow to criminate, but when impelled by public duty to take up that character, he would always endeavour to remain steady and temperate. Mr. Burke alluded, in the course of his speech, to the argument of Mr. Hardinge on the doctrine of a *set off*, delivered at an early period of the proceeding, and a matter better argued, or more clearly urged, he declared, that he had never heard. That honourable and learned gentleman had mentioned the case of Lord Clive, where the question had been, whether certain territorial possessions, obtained by Lord Clive, belonged to the East-India Company? That matter was inquired into, and it was decided, that the lands were their property. The next question would have been, whether Lord Clive had any right to hold in his hands, territories belonging to the East-India Company? In that stage of the business, was it declared, that on account of Lord Clive's general merits, he should be allowed to continue in possession. Mr. Burke pointed out the difference between a case like this, and a case where serious and specific charge of criminality had been formally brought forward, investigated and substantiated, and he added, that in the case of Mr. Hastings, after what that gentleman had himself said at the bar, it was impossible to think of admitting such a *set off*, as could in no criminal prosecution be admitted, without rendering all future criminal prosecutions nugatory and useless.

Major Scott Major *Scott* remarked, that he could positively assure the right honourable gentleman, that he had no idea, either now or at any other time, to plead Mr. Hastings' good conduct as a *set off* against delinquencies. He had uniformly opposed all the charges, from a conscientious belief that Mr. Hastings discovered extraordinary merit in those very acts which were voted as grounds for impeachment; and, therefore, whenever he had stated the merits of Mr. Hastings, or whenever he might state them hereafter, it neither was nor could be upon the most distant idea of *setting them off* against supposed delinquencies.

The honourable gentleman (Mr. Sheridan) had said very truly, that it was his intention to oppose the report in this stage, but he would not presume to set up his own opinion contrary to the general wish or sense of the House; and it certainly was the sense of the House to postpone the debate until after the recess. The Major said, that as he understood it, the resolutions were to be read merely *pro forma*, that the charges were then to be sent to a Committee, that articles were to be presented and reported, and upon the report of those articles, he presumed, that the debate might come on with more propriety than at the present moment, since, in fact, the report was a part of the present proceeding. But he

he was perfectly free to say, that if the articles should be received in the report, it was not his intention, by any means, to oppose the final vote of impeachment. In saying this, he hoped that it would not be irregular to declare, that he spoke the sentiments of Mr. Hastings. If the articles should be reported, he even wished the impeachment to follow; and if the House would indulge him, he would read, as a part of his speech, Mr. Hastings' sentiments, in his own words. They were, as follow:

"Though it might be deemed presumption in me to declare any wish or expectation concerning the mode in which the House of Commons may, in its wisdom or justice, determine to proceed in the prosecution of the inquiry into my conduct, now depending before them, yet as it has been reported, that many gentlemen, members of that honourable Assembly, who have not chosen to give their constant attendance on the Committee holden on this business, have expressed their determination of opposing the general question of impeachment, when it shall be brought before the collective body of this House; I hope I may, without irregularity, or the imputation of disrespect, intimate my sense of such a determination, both as it may respect that question, and the claim which I conceive I possess to attendance on the question upon the report, which in the due order of business will precede it.

"I presume, that in the present examination of my public conduct, there are two leading, and, as it appears to me, exclusive objects, of equal and reciprocal obligation; namely, that justice may be done to the nation in the redress or punishment of wrongs, which it may be eventually proved that it has sustained by my acts; and that justice may be done to an individual, who may be eventually proved to have been wronged by unfounded accusations, and who even thinks that he has a claim to the applause of his country, for those very acts which have been drawn into crimination against him.

"If it shall be resolved by the honourable House of Commons to agree to the report of the Committee, that is to say, if it shall be resolved that there is ground for impeaching me for high crimes and misdemeanors, on the charges on which the Committee have already passed that decision, I presume, that the resolution for the impeachment ought to follow of course, as the only means which can satisfy the justice of the nation in the supposition of my guilt, or clear my character in the supposition of my innocence. With regard to the first of these conclusions I have no claim: but for the last, I may, in common with the meanest of the subjects of this realm, assert my right to

"the benefit and protection of its laws; and I trust, that the "honourable House of Commons, which has ever been con- "sidered as the guardian and protector of the laws, will not "suffer my name to be branded with the foulest and blackest "imputations upon their records, without allowing me at "the same time the only legal means of effacing them, by "transferring them for trial to the House of Peers in the "form of an impeachment.

"To this opinion I humbly beg leave to add my request, "and it is the only request or application which I have hi- "therto permitted myself to make to any of the individual "members of the House on the process of this business, "that if it shall be resolved on the report, that there is "ground to charge me with high crimes and misdemeanors, "they will afford me the benefit of their votes, though "united with those of my prosecutors, that I may be brought "to legal trial for the same.

"WARREN HASTINGS."

Major Scott now observed, that he looked upon the articles, and the report of the articles, as part of the proceedings of that day; but if the articles were once reported and agreed to, he should look upon the impeachment as a matter of necessity and justice. He must on this occasion beg leave to say a few words concerning the remarks which had fallen from a right honourable gentleman (Mr. Burke) the preceding night, when he was absent. He was told, the right honourable gentleman had said, that he (the Major) had confessed giving 7000l. to the editor of a newspaper; but, surely, no man could suppose him capable of such base and ridiculous corruption. He had not given the half of seven hundred pound; and when he did give it, it was at a time when the interests of others were more concerned in Mr. Hastings' success than he himself; but he had paid 7000l. for dispatches over land, and he had been the humble instrument of performing a most important and essential service to his country, though the merit was due to Mr. Hastings, by whose direction he sent him constant accounts of the most important public transactions—not points in which private interests were concerned, but momentous public matters—at a time when the East-India Company supported Mr. Hastings, and His Majesty's Ministers had interdicted them from sending dispatches to Bengal. He was equally clear of corruption in every other point.

Mr. Fox. Mr. *Fox* said, that after the letter from Mr. Hastings, which the honourable gentleman had read, and after his own declaration as to the point at which he meant to aim, the preventing the resolutions from standing on the Journals, it would

would prove extremely unfair if he were not to warn the honourable gentleman that the fit opportunity for him to rise, with any hope of success, was at that moment, since, if he let so favourable an occasion slip, the very circumstance which he wished to avoid must happen: the resolutions must stand upon the Journals, where the agreeing to read them a second time would inevitably place them. Having stated this, Mr. Fox added, that he differed from his honourable friend as to the right honourable gentleman opposite him. Most certainly there would be a stage of the business when that right honourable gentleman might, with as much propriety as at present, if not with more, and with full as much advantage, argue his differences of opinion relative to the charge about the contracts and the charge relative to Benares. With regard to the agreement to send the resolutions to a Committee, and not to go immediately to the question of impeachment, he at least, he supposed, might be presumed to consider himself as one who had not acceded to it. Indeed so far from it, that whether it might be called obstinacy, or any thing else, he at that moment felt as decidedly as ever, in favour of coming to an immediate question of impeachment, as the only true constitutional mode of proceeding; and sure he was, that no other mode, near so safe, could be adopted, and that to adopt any other, was to be guilty of a breach of the rules, and a violation of the old established forms of proceeding in that House. In respect to there having been any agreement, not to debate the resolutions, the very reverse was the fact. It had indeed been said the preceding night, that if there was not likely to be any great difference of opinion upon the resolutions, then it would be right to read them directly a second time; but when the honourable gentleman, who spoke last, declared, that he should enter into an argument upon them much at length, it was determined to adjourn the consideration of them to this day, for the express purpose of debating them. If, therefore, the honourable gentleman did not seize the opportunity, he did not act up to a very natural and fair sentiment expressed by Mr. Hastings in his letter just read, and which was the precise sentiment which the honourable gentleman had urged the preceding evening, as his reason for wishing to argue the resolutions.

Mr. Dundas. Mr. *Dundas* observed, that at no period whatsoever, since he first enjoyed the honour of a seat in the House, did he feel himself more embarrassed than during the space of the last hour, when, without any question for their arguments, gentlemen were inclined to continue a debate, more likely to create difference of opinion than that unanimity which they all seemed so desirous of preserving. When the right honourable

nourable gentleman opposite to him and his right honourable friend, who was absent, had so highly distinguished themselves the preceding night by their excellent and very able speeches, he was rather more inclined to the opinion of the right honourable gentleman opposite to him, than to that of his right honourable friend; but, on consulting the Journals, and searching for precedents, he was happy to find, that there were so many, and those so vere different, that scarcely any one mode of conducting the impeachment appeared, which the House might have chosen to pursue, or which it might not with propriety have adopted. Observing the matter to stand thus, he had felt no sort of difficulty in giving way to his right honourable friend, when the object was to go up to the House of Lords with a strong hand; and therefore he could not but regret that the right honourable gentleman should, contrary to his usual custom, have shewn so much ill-timed pertinacity, as to rise up still rooted in his old opinion. The preceding evening, Mr. Dundas said, he thought it was becoming in the right honourable gentleman to throw out those arguments which he had so ably urged in favour of an immediate question of impeachment; it was incumbent upon him in a manner to purge himself of the ideas which he then entertained; but he saw no reason whatever for his still adhering with a pertinacity, or rather *pervicacity* to an argument, which could not lead to the attainment of any good whatever. With as little reason had other gentlemen pressed his right honourable friend to come that evening to a discussion of his differences of opinion respecting the charge about the contracts, and the charge relative to Benares. There was a line of conduct perfectly becoming for his right honourable friend to act upon, during his present doubts in regard to the charges he had mentioned, and which under the same circumstances he should be proud to adopt; but did gentlemen think it wise to press his right honourable friend to give his opinion at the present period? Surely, a moment's consideration would teach them that in the course of a fortnight, supposing his right honourable friend yet to retain his opinion, reasons might arise to justify his changing it; or taking it the other way, it was imprudent on a sudden to call for decision, where no decision would do any service, and when, in all likelihood, if his right honourable friend voted against the particular resolution in question, he would doubtless meet with some support. Mr. Dundas begged, that if gentlemen meant merely to figure away by making speeches, they would not go on debating when there was no object to combat; but as their abilities were well known, and there would occur abundant occasion for them to exercise their ta-

lents,

ients, he would have them wait, in confident expectation of fair and early opportunies.

Mr. *Burke* adverting to what Major Scott had said concerning the 7000l. belonging to Mr. Hastings, and expended by the former, declared that he could not answer for newspaper accounts, from whence in all probability the honourable gentleman had drawn his information; but he had (he could assure the honourable gentleman) only said, that if the editor of a morning paper had taken Mr. Hastings' money, and returned him ill usage in exchange, he had served him as Mr. Hastings served Cheyt Sing, accepted his present, and instantly commenced his persecutor. With regard to the 7000l. he had spoken of it exactly as the honourable gentleman had now described it, as a sum expended in expresses to convey intelligence to India. Mr. Burke.

The following resolutions were now read, and a question put upon each. They were all agreed to.

Resolved, "That this Committee having considered the "third article of charge of high crimes and misdemeanors "against Warren Hastings, Esq. late Governor General of "Bengal, and examined evidence thereupon, is of opinion, "that there is ground for impeaching the said Warren Hastings, Esq. of high crimes and misdemeanors upon the "matter of the said third article."

Resolved, "That this Committee having considered the "fourth article of the said charge, and examined evidence "thereupon, is of opinion, that there is ground for impeaching the said Warren Hastings, Esq. of high crimes "and misdemeanors upon the matter of the said article."

Resolved, "That this Committee having considered the "fifth article of the said charge, and examined evidence "thereupon, is of opinion, that there is ground for impeaching the said Warren Hastings, Esq. of high crimes "and misdemeanors upon the matter of the said article."

Resolved, "That this Committee having considered the "7th, 10th, 11th, and 12th articles of the said charge, and "examined evidence thereupon, is of opinion, that there "is ground for impeaching the said Warren Hastings, Esq. "of high crimes and misdemeanors upon the matter of the "said articles, so far as the same relate to the conduct of "the said Warren Hastings respecting the contract for bullocks in September, 1779, and for opium in May, 1781, "and respecting the allowances paid to Sir Eyre Coote, and "charged on the Vizier of Oude, and so far as the said "articles respect the agency in 1777, and the contract in "1779, for victualling the garrison of Fort William, granted to John Belli, Esq. and the agency for the supply of "rice, granted to James Peter Auriol, Esq. in 1780."

Resolved,

Resolved, "That this Committee having considered the "twenty-second article of the said charge, and examined "evidence thereupon, is of opinion, that there is ground "for impeaching the said Warren Hastings, Esq. of high "crimes and misdemeanors upon the matter of the said ar- "ticle."

Resolved, "That this Committee having considered the "eighth article of charge of high crimes and misdemeanors "against Warren Hastings, Esq. late Governor General of "Bengal, and examined evidence thereupon, is of opinion, "that there is ground for impeaching the said Warren Has- "tings, Esq. of high crimes and misdemeanors upon the "matter of the said article."

Mr. Burke then moved, "That a Committee be appoint- "ed to prepare articles of impeachment on the articles of "charges, &c."

Mr. Burke afterwards moved, that the Committee con- sist of the following gentlemen;

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|---|---|
| Edmund Burke, Esq. | Welbore Ellis, Esq. |
| Right Hon. C. J. Fox, | Rt. Hon. Fred. Montagu, |
| R. B. Sheridan, Esq. | Sir Grey Cooper, |
| Sir James Erskine, | Philip Francis, Esq. |
| Right Hon. Tho. Pelham, | Sir Gilbert Elliot, |
| Right Hon. W. Wyndham, | Dudley Long, Esq. |
| Hon. St. Andrew St. John, | Viscount Maitland, |
| John Anstruther, Esq. | Hon. G. A. North, |
| Wm. Adam, Esq. | General Burgoyne, |
| M. A. Taylor, Esq. | Charles Grey, Esq. |

It was moved in the usual forms, that the Committee be invested with the customary powers of calling for papers and witnesses, sitting where they pleased, &c. &c. and it was agreed on all hands, that it must necessarily be a Secret Committee.

A division took place upon the nomination of Mr. Francis, The *Ayes* were 96, and the *Noes* 44.

The question of adjournment was then put and carried.

*Wednesday, 4th April.*

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* begged leave to acquaint the House, that he had a proposition in contemplation, which he should perhaps offer to the consideration of the Committee of Ways and Means after the holidays, relating to the duty on horses. As it was of a nature different from any measure which had ever been adopted in this country, he thought it requisite to give this long notice: he could not as yet determine whether or not the plan would, on full inquiry,

inquiry, appear eligible, as every expected information had not yet come in; but that gentlemen might have turned it in their minds, and be prepared to judge of it, if brought forward, he informed them, that it was a proposal to farm those duties, in like manner as the turnpike tolls were farmed.

Mr. *Minchin* having moved for "An Account of the "number of persons committed to prison, tried, acquitted, "condemned, reprieved, pardoned, or punished, within the "county of Middlesex, between the first day of June, 1786, "and the first day of April, 1787, specifying the times of "commitment and trial, the crimes and punishment;" observed, that he meant shortly after the holidays to suggest a proposition relative to the penal laws of the kingdom. Mr. Minchin.

The order of the day for the third reading of the Consolidation Duty Bill having been moved and read, the bill was read a third time.

Mr. Chancellor *Pitt* brought up a clause which (he contended) appeared calculated for the purpose of preserving the same simplicity and clearness in the revenue, as was to be established by the present Consolidation, notwithstanding any future additional duties, and for preventing a repetition of the confusion which had arisen from former appropriations, in case of any new loans which might hereafter become necessary. Another clause, enacting that an account of the state of the receipt of the customs should every year be laid before Parliament within fourteen days of the commencement of each session, was brought up, and the question being put, "That the bill do now pass," Mr. Chancellor Pitt.

Mr. *Jolliffe* observed, that his anxiety to understand this subject as fully as possible, had prevented his troubling the House at an earlier period; and resolving that his conduct should be entirely influenced by the opinion which he might form, he had waited, expecting to have heard from the Minister some reasons to induce him to support the proposition of a commercial treaty with France. But with all his attention he had not been able to discover the promise of even one single permanent benefit which should, in consequence, alight upon this country. Mere declamation on the advantages to accrue from the extension of commerce and the encouragement of manufacture, was all which either had been, or could be offered: he therefore felt himself compelled to oppose the farther progress of a measure which, he was confident, must produce the overthrow of the empire of Great Britain. Before he entered on the discussion of the treaty itself, and the dreadful consequences which, he was convinced, must arise from it, he desired to assure the House how perfectly he agreed with the honourable gentleman (the Mr. Jolliffe.

member for Yorkshire) in the position, that this neither was nor ought to be considered as a party question; that in it were involved the greatest political, as well as commercial interests of the kingdom; that on it depended not only the manufacture, the trade, and the navigation of this country, but, he would affirm, the continuance of independency in this empire. It, therefore, was paramount, and far above every idea of party or private consideration, and ill should *he* deserve to be admitted of any party, who could lend himself to frustrate or promote (against his real opinion) a measure which all acknowledged would either forward the interest, or produce the ruin of the country. He therefore flattered himself, that those who opposed it would stand acquitted in the opinion of all men of any other motive than a just and serious alarm, a real apprehension for the consequences which might attend so daring and so strong a measure. If gentlemen would allow themselves time to reflect, if they would but judge of others from what he hoped were the operations of their own breasts, they would perceive, that to *any* man, but more especially to those who had commercial or landed property, the consideration of who is or who is not minister, abstractly taken, is not for a moment to be placed in competition with so important and comprehensive an object as this undoubtedly was; and if the Minister continued in power for his whole life, he defied him so effectually or so speedily, by other measures, to produce the destruction of his country. If this treaty should receive the sanction of Parliament, he much feared that all the ability of the most wise, added to all the integrity of the most upright, would be unable to avert the injury, or impede the destruction which this measure must inevitably produce. All, therefore, which he desired was serious attention to the subject, that the House would revolve and meditate well upon it, and consider it under every different circumstance, situation, and condition of the country, to see the various objects on which it attached, and the different interests affected by it; and if prejudice on the one hand, and confidence on the other, were entirely laid aside, and gentlemen would judge for themselves, he was persuaded that the Public and the majority of the House would agree with him in rejecting a measure so big with consequences the most fatal. But, he must observe, there was something very extraordinary in the steps taken by the Minister at the commencement of the business. Voting twenty resolutions in one night, and the next calling upon the House to pledge themselves to ratify and confirm them by an address to His Majesty, what could be supposed, but that he was apprehensive that the House would see the danger; and therefore

determined that they should vote in ignorance. Why shun discussion? If the measure was right and beneficial, it would have gained friends by investigation, it would have acquired advocates by being understood; and this he would affirm, that a minister who means well to his country, will cause an investigation of his conduct, and demand an inquiry into the measures which he pursues: but, where information is withholden, and deliberation denied, it must be presumed that his motives can only be an apprehension of disclosure and a dread of reprobation. In considering this subject (Mr. Jolliffe observed) there were three questions; first, Is there any treaty possible for this country beneficially to enter into with France? May not Great Britain be so circumstanced with that kingdom and the other powers of Europe, as to render it not only dangerous, but actually ruinous, to have any intimate intercourse? Preposterous as some people might hold such language, if fully considered, it was not void of argument and reason in support of it. The second point was, supposing some treaty might be confined, is this of such a nature? Is there that reciprocal advantage which we have a right to demand? And the third is, Whether the treaty comprehends all the objects which this country has a right to expect it should? and are not some great and momentous articles totally omitted?—In considering the first point, it is necessary to view with exactness the circumstances and situation in which France stands, not only with Great Britain, but with all the world; and also the situation in which Great Britain is with all the world as well as France. France, a great commercial and maritime kingdom, the hitherto invariable and inveterate enemy of Great Britain, always her rival, as well in commerce as in power, at the end of a war which she commenced in so treacherous a manner as must brand her with the mark of perfidy to the latest posterity, solicits a cessation of ill will, that mutual animosities may be laid aside, and that friendly intercourse may succeed; that as they are neighbours, so in future they may be friends; and that as Great Britain has long rendered her much service in the purchase of her wines, so France, sensible of this obligation, in return is now desirous to admit the manufactures of this country into her own. Reduced by war, she now desires to cultivate the benefits arising from peace; and indeed such a request is not very unlike the language of the Greeks, when they left their horse before the walls of Troy; they professed themselves tired of war, and anxious to give some token of the respect which they bore to the bravery of their enemies; but all know the consequences which attended the credulity of the latter: beware, that in this treaty is not involved that which may

 overpower

overpower and destroy you. Mr. Jolliffe then proceeded to observe, that the uniform and invariable disposition of France had been to acquire dominion, and to reduce, to lower, and probably to gain the actual possession of this country; that as this had ever been, under all Administrations, at all periods, her invariable aim, so there was now more reason than ever, from *her* increased and *our* reduced strength, to suppose her object in no degree altered, and her ambition by no means diminished. Examine well, whether this treaty does not more readily lead to that end than any other which can be devised. It has been truly and repeatedly affirmed, that the strength of this country consists in her navy, and that her wealth depends on the increase and prosperity of her commerce. Observe, whether this treaty does not tend to diminish her navy and annihilate her commerce; and (he desired to ask) what is to render her respectable in Europe, and thereby to maintain her commerce, but her inclination as well as her ability to check the ambition and resist the power of France? By acceding to this treaty it must be admitted, that the policy of this country is changed, not only with respect to France, but to every other power on the face of the globe; for, instead of resisting her former inveterate enemy and checking her rival, her policy must in future be to aggrandize this new friend, to render her rich and powerful; because, if there be any argument in the language of the Minister, that our trade is to depend on France, the more opulent and great, the more powerful and flourishing France is, the more her riches increase, the more able will she be to patronize our manufactures and to encourage our commerce. Instead of endeavouring to depress, we must strive to exalt her, because she is to be the power to whom in future we are to look for the employment of our manufacturers and the extension of our commerce. Mr. Jolliffe said, he had some little time past been in another House, where this treaty was much discussed; and indeed he was greatly surprized to hear the manner in which some persons of high respectability talked of this kingdom: the persons who in that place argued in favour of the treaty, spoke of this kingdom as having totally lost her consequence and importance as a warlike power in the scale of Europe; they said, you must take care of your manufactures, you must look to your looms; commerce must be your object, ambition must no longer be your pursuit; will you set yourselves up as the standard to which every dissatisfied or every ambitious power shall resort? No; you must lay aside your jealousy, you must suppose the political system of Europe changed, and that as you decrease your strength, France will diminish her ambition. Very different, he said, were

*his*

*his* ideas, and he was infinitely concerned to find so opulent and so powerful a part of the kingdom so degraded in their notions, and so lowered in their opinions of the consequence and importance of their country. He conceived, that to increase the commerce of the kingdom you must maintain a powerful navy, that without it your trade would cease, and your looms stand still; as to jealousy, he should venture to contend, that a watchful attention to that power from whom alone we have any thing to dread, was so far from blameable, that it was the first and primary duty which a Minister owed to his country; and that although commerce and manufactures were objects by no means to be neglected, yet security was the first point, and independence the surest alliance: instead of adopting this system, and pursuing the path in which our ancestors had invariably trodden, instead of being courted by all Europe, as the defender of the weak and the avenger of the oppressed, we shall become the augmenter of the powerful, and the slave of the mighty; we shall throw ourselves into the bosom of France, and in future be dependent on her bounty. What must be the consequence of this? The other powers of the world having lost the anchor in which they trusted, the staff on which they leaned having bent and given way, they must follow the example; they must court France to avert her vengeance, as they will be deprived of the means to defy or resist her; they must trade with France to gain her friendship, because yours will be inevitably lost. Consider, he said, whether this must not prove the consequence, and whethe the French trade, even if it can be kept, is equal to that of every other nation on the face of the globe. For if you cannot be *their* friend, they will not be *yours*; and if you become the dependant on France, the rest of the world must leave you, because you will have deserted them. There is not a power on earth to which France may not prove hostile; and there is no impediment to that hostility when yours is removed; the alternative therefore is, that they must submit to oppression or purchase favour, and the favour of France can only be obtained by the transfer of their trade from you to her. Will Russia, will Austria, will any part of Italy, will the United States, will Spain, will even Portugal, put you in competition with France, when you have annihilated your own consequence? If it should be their inclination, they will not dare to carry it into effect. Every source of commerce will be dried up, except that with France.

Observe then how you stand at the end of the treaty, supposing it to last to the limited period; you become the absolute dependant on France for every avenue of trade: and trust

to

to her bounty, whether she will not shut her ports against you, for the encouragement of her own manufactures, and the protection of the industry of her own people. This (he observed) was the plain consequence, the undoubted truth, which needed neither oratory to display nor argument to enforce. The second question is, Supposing some treaty may possibly be beneficial, is this of such a nature, and are the advantages reciprocal? The foundation of this treaty is, that the wines of France shall be admitted into this kingdom on lowered duties, and that she shall, in other articles, be treated as the most favoured nation. Wine is an article which you neither have nor ever can have, to supply France with; and therefore, let us examine, in the first instance, what return France makes for this benefit which confessedly is given to her. None is to be found. It might have been supposed, that in return for this, France should contract, that as you cannot manufacture wine, they would not manufacture woollens or cottons, that as you trade with her for an article which she has in abundance and can export no where but to you, so you should expect her to allow you exclusively the power of supplying her with those articles which you manufacture, but the fact is directly the contrary, because she evidently presumes that she shall manufacture both cottons and woollens, for the 7th article of the tariff declares that she may import them here on the same duty which ours pay there, so that she may not only supersede your market in her own country, and in every other, but from her low price of labour may rival you at home. This then is not to be disputed, that as for the articles of wines and brandy, France has the entire advantage. But it has been said that Great Britain may import beer into France. It is not easy to suppose that any man can be so sanguine as to imagine that the beer of England will be as universally drunk in France as the wine of France is in England; but, if it could be so, it may be asked, is there any physical impossibility of making beer in France, as good even as we brew in England? and if there is not, there is no reciprocity in those articles, and there is no pretence to boast of the equal advantages gained by each country. With respect to the other various articles of commerce, it is on all hands admitted that whatever arguments were applicable against the Irish propositions, tally in a much greater degree with respect to France; but, it is said that those who promote this treaty are the very persons who introduced the Irish propositions, and those who opposed the Irish propositions are satisfied of this error; for, all manufacturers are silent on this subject. That silence arises from two causes; and first, they do not understand this very wide and comprehensive subject, as they did the other nearer and more contracted object; they do not con-

sider that in this is involved, not only the greatest commercial but the greatest political considerations; nor have they expressed any approbation, but have continued in a silent suspence. Moreover they expect an immediate demand for many articles of their trade; and present advantage will generally outweigh future prospects; but it behoves them to be cautious how they step: *latet anguis in herba.* The gaining an immediate trade, even to a large extent, cannot equal the risk of its total loss. You are now in a most flourishing state; be content whilst you are well, lest, by grasping at the shadow, you lose the substance. A right honourable gentleman, on a former debate, advised the extention of your trade to the nearest market; but surely, in this country, nothing can be so unwise; because the extent and increase of your trade to distant markets, is the increase of your navy. But, said the right honourable gentleman, if the treaty tends to increase your trade, it must tend to increase your navy: the direct reverse is the fact; for extending your trade to France is destroying your navy, because the navigation is nothing; and if it was of any consequence, the French, being a naval power, would at least have as great a share as you can expect; so that you will be prevented trading to distant ports, and you will, if there is any benefit of navigation, give as much to France as you gain yourselves. Another honourable gentleman (a merchant) had advised the making France the carriers of our manufactures to America and other countries. Of all the arguments in favour of the treaty, this seemed the most extraordinary, for it was annihilating our own navy to extend that of France, it was subverting the principle so ably laid down in the last session by a noble lord now in another house, of requiring all the trade of this kingdom to be navigated by British sailors, and carried in British vessels. But it was asked, Does this treaty prevent your obtaining political connections as before? Most undoubtedly it does; because it throws you into the arms of France, and disunites you from every other power. Are you (say these gentlemen) called on to reduce your navy, and may you not look to the operations of France as usual? If your commerce to distant countries is lessened, your navy (that is, your number of sailors and trading vessels) must be reduced of course. But if her trade prove equal to what it is supposed it should be, it becomes this country well to consider, how she gives up her political situation in Europe, and her consequence on the globe for commerce with France to any extent, much more for that which she is not sure of maintaining, and which will probably be attended with the loss ultimately of the whole. But it is argued, that the effect of this treaty is to furnish you with fresh resources to enable you either to diminish your debt,

debt, or to resist your enemies. This assertion was rather extraordinary, when a right honourable gentleman (the Chancellor of the Exchequer) stated the defalcation to the number of the whole near three thousand pounds a year. How this was to be made up had not been ascertained, but it must be on the additional burdens on the necessaries of life, so that the poor are to be oppressed and taxed, that the rich may enjoy their luxuries at a cheaper and less expensive rate. This was so unjust in itself, and so infinitely cruel, that he was surprised that any man of humanity could support such an idea. The third question was, Are not some great and momentous objects of commerce totally omitted? It had been stated and generally received as a fact, that Great Britain was not possessed of any thing which France had not, and that therefore the ingenuity of men could not devise a reciprocity for the admission of wine. This, Mr. Jolliffe said, he denied, and he would take leave to affirm, that this country was possessed of an article which nature either had denied to France, or which she did not know that she possessed in any great degree, and which might become as great an object of consumption to France as wine now is to England. This article is coal; and indeed he was perfectly at a loss to conceive how a person, who understood the situation of the coal mines in the north, could have suffered so very important an object of commerce and navigation to have escaped him. Those who are acquainted with that valuable article of trade, know well that it is inexhaustible; and that if all the world consumed no other fuel than English coal, there is sufficient to last millions of years; that there can be no danger of our own want; we should therefore be selling what is less valuable than dirt at a very high price; we should prodigiously increase our revenue, and encourage our manufacture in that article, by the great increase of labourers in those mines. We should indeed be turning our dirt into gold; but what is much more important, we should to a very great degree extend and promote our navigation, if our export should be confined to our own shipping. The only objection advanced against this was, that they might rival our manufactures by obtaining our coal. Nothing could be more absurd than that position. First, you may prohibit the exportation when you please, but Norway and Sweden, who have iron in an infinite quantity, do import great quantities of your coal, and yet never had an idea of rivalling this country in manufacture; but if coal be an article of consequence in manufacture, how can one country rival the other, where to the first the coal pays a duty on exportation of 14s. per chaldron, added to the expence of 12s. per chaldron freight, and the expence of delivering on board a ship, and carriage from the vessel, and in the other, it is obtained

tained for mere digging, without carriage, without duty, and without freight. The idea of rivalship was therefore preposterous; and it was unpardonable in those who negociated this treaty, to omit so important an article of commerce, in which the revenue and navigation of the country were likewise so deeply interested. Upon the whole, therefore, Mr. Jolliffe insisted, that it appeared to him that a general treaty of commerce with France was not only dangerous, but ruinous; that this contained nothing like reciprocity in it, and that the important article of the commerce of this country (namely coal) was totally omitted. It therefore was ruinous, not advantageous; it was partial, not reciprocal.

Sir *James Johnstone* observed, that he was extremely sorry to hear that we were all going to be ruined. He had imagined that the ratification of the commercial treaty was to introduce a day of Jubilee and public rejoicing, that our fine women were to be finely dressed, our fine gentlemen wear fine cloaths, our Bishops procure claret, burgundy, and lawn sleeves, after paying the duty for them, and the electors get merry with French wines: How, therefore, was it possible that such a treaty could avoid pleasing the people? Long as they had been attached to French fashions, the female part must rejoice at the prospect of getting beautiful caps, charming ruffles, bonnets in the highest taste, and shewy ribbands. And he, also (Sir James observed) although indifferent about the mode, should enjoy the attainment of a favourite point: a blow to false trading. There was nothing which he had more at heart than the annihilation of smuggling. Sir James Johnstone.

Mr. *Dempster* said, that he understood the Irish Parliament had not complied with the tariff, but had fixed a still lower duty on French linens imported than was payable in Great Britain. This circumstance, which he learnt only from newspapers, for he had no other channel of information, alarmed him; and therefore, he wished to know, if it was intended to copy the example here, or if under the present treaty, there was any power to lower the duties? Mr. Dempster hinted at there having prevailed some doubts in France whether the rate of lowered Irish duties was not to govern the import of French linens into this country; a circumstance extremely material to the British linen manufacturers, as the linens could not stand against the French linens, if imported into Great Britain at as low duties as they were to be imported at into Ireland. Mr. Dempster.

Mr. *Fox* said that he should not have troubled the House at this stage of the business, very much as he disliked the commercial treaty with France, if some circumstances had not taken place which made it necessary for the right honourable gentleman on the other side of the House (Mr. Pitt) to ex- Mr. Fox.

plain what seemed at present to be wrapped up in obscurity. Previous to what he had to say; he could not but acknowledge, that even if the commercial treaty, which the tariff, now going to be passed into a law, in his opinion, absolutely confirmed, was in its nature for a season beneficial to the manufacturers of this country, yet eventually it was big with the most fatal consequences to its ancient policy and interests. This, as well as other arguments, which he and his friends had adduced, had been interpreted to be effects of superstition. If superstition arose from a chain of reasoning, that similar causes produced similar effects, then indeed he would acknowledge the charge. But, convinced as he was, that the balance of this kingdom in the scale of Europe was not an idle dream, or the wild effusions of enthusiasm, he must retain his opinion, that the treaty would give France such a weight and influence, as must most effectually establish her long meditated scheme of being the sole arbitress of Europe.

But he would now come to plain facts—Since the treaty was signed, and even since it came into the House, a stipulation had been made in favour of Ireland, which would secure to the sister kingdom the exclusive branch of the linen trade. If there was a possibility of altering the terms of the treaty, as it seemed there was, and relying merely upon the words of Ministers, how was the nation certain that some farther explanation, at some future period, might not take place, in which case the Minister might, in like manner, rest himself upon a similar stipulation of a secret nature, and explain away the meaning of the treaty? Having observed that rumours prevailed concerning the admission by Ireland of French linens into her ports at a lower duty than was laid upon them in England, and observed that it behoved the right honourable gentleman (Mr. Pitt) to declare whether such reports were well founded. Mr. Fox next turned his attention to the 7th and 11th articles of the treaty, by which the right to lower Portugal wines according to the Methuen treaty is preserved. Upon the first opening of the business in the House, he had pressed the right honourable gentleman (Mr. Pitt) to explain himself, whether Spanish wine was to be included in the intended reduction. For a considerable time the right honourable gentleman had refused an explanation, except it was to be understood from this singular circumstance, that Spanish wine being by treaty to be imported upon the same terms with the Portugal wines under the Methuen treaty, if Portugal acceded to a redress of grievances that treaty was to be continued; therefore, if the Methuen treaty was to be still in force, and the stipulated reduction was to take place, then, and in that case only, Spanish

nish wines were to be lowered accordingly. It had since appeared upon a farther and a very late explanation, that the Minister of France understood that Spanish wines were to be lowered by the terms of the treaty. The words of the treaty by no means pointed out any such circumstance; and therefore another understanding and another compromise arose, neither of which were by any means either expressed or implied in the treaty. What safety then could there be in such a compact, so liable to be explained away whenever policy or conveniency required it. For his own part, he still retained his earliest idea, that it would have been both political and honest to have negociated with Portugal first; and, upon the event of that negociation, if successful, to have made a farther negociation with Spain; and then, if at all, to have entered into a treaty with France. The reasons were obvious; for at present, by negociating with France first, we had completely tied ourselves to comply with the demands, and, he would add, the just demands of Portugal and Spain, without the possibility of obtaining an equivalent; whereas, if we had negociated with those friendly powers in the first instance, we should clearly have seen our ground, and might have had every advantage in our future negociation with France. This led him to a farther consideration of the several treaties subsisting between Portugal, Spain, and England. By the Methuen treaty, wine was allowed to be imported, one third under the wine of France. By the treaty with Spain, goods and merchandize (not particularly limiting the importation to wine) were to be imported from Spain, under the same terms as the most favoured nation; so that this obvious absurdity must evidently arise, that Portugal being by the treaty allowed only to import wine at one third lower than France; and France being by the new treaty allowed to import various species of other goods at a much smaller duty than Portugal, therefore Spain being by treaty upon the terms of the most favoured nation, (upon the same terms with France) will be allowed to import all other articles except wine upon much more favourable terms than Portugal; a circumstance which would utterly destroy the spirit of the Methuen treaty. Infinitely mischievous consequences (Mr. Fox said) may arise from this consideration; for instance, it may be the source of smuggling, and consequently the foundation of endless disputes amongst the mercantile part of the three nations. Indeed, the merchants of all the four nations may find themselves involved in it. This may be the occasion of future disputes, the extent and magnitude of which no human foresight can be equal to; it may prove the foundation of the total destruction of this much-boasted treaty; and (when France is invigo-

rated with her commerce, spread into every part of Europe, and the world, and her influence stretched out into every quarter of the globe) become attended with the most fatal consequences. He was well aware that Ministers ought immediately to adopt measures by which these baneful effects might be obviated. Most particularly did it behove them to pursue some steps, that the effects of these jarring, ill digested, and unmatured treaties, so hastily taken up, and so imprudently finished, might not create an immediate disgust amongst the several powers with which they were contracted.

But, Mr. Fox remarked, that his grand object was the political strength and influence of England itself, in the scale of Europe, indpendent of commercial views, although these had a great weight in his mind; yet the moment was lost, he feared inevitably lost! However, he hoped and trusted that Ministers, now that Europe was in so great a degree thrown into the arms of France, would watch the motions of that power with a keen and suspicious eye, and that they would carefully observe all her movements, and take especial care to counteract her insidious designs of aspiring to universal power. Mr. Fox then begged pardon for being thus diffuse upon a subject which seemed not so immediately before the House, and which had been already so much agitated; but he considered it his especial duty; for, if the consolidation bill was to pass at the present moment, much as he admired its principles, yet it would in fact establish that tariff with respect to the duties in future to be imposed by the commercial treaty upon French commodities, and thereby confirm that treaty. For these reasons, as well as for the farther reasons of wishing to have time to pass the several commercial bills, if they were to be passed, and to complete the treaties with Spain and Portugal, he certainly should give his vote to postpone the third reading of the consolidation bill to a future day.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* answered, that having, at so many various stages of the proceeding, given his opinion upon every part of it; and having, as he thought, fully removed every objection, he should not now enter at all into the general merits of the subject, nor should he follow the right honourable gentleman at any length in his argument of that day, as a great part of it related to the subject matter of former debates, and some of it was not of a nature fit to be handled at the present moment. With regard to the rumours which the right honourable gentleman alluded to of the conduct of Ireland in admitting French linens at a lower duty than was laid upon them in this country, they were founded in truth; but her reason for so doing was not from any difference of opinion with respect to the intent of the treaty, but

because

because that country had thought it safe to lay a lower duty on that article than it had been thought prudent to do in this country, as there was less danger there of the home manufacture being injured by the competition with France than there was here, and France had been willing to acquiesce in this mutual diminution of duty from an expectation that by such means she should favour the importation of her other commodities into Ireland. But there was no intention nor stipulation whatsoever that the duties on linen between France and Great Britain should be any farther reduced. The right honourable gentleman had dwelt very much on the subject of our commerce with Spain; and although it was one, which, in the present state of our negociations with that country, it was not perfectly proper to discuss at large, yet he should give the right honourable gentleman an answer to a considerable part of his argument. The right honourable gentleman had expatiated also upon the general construction of treaties, and had drawn a distinction between certain terms when used in ancient treaties, and the same terms when introduced in modern treaties. He should not be unwilling to acknowledge to the full extent this distinction; but it so happened that no argument could be drawn from thence applicable to the present subject. There was no question whatsoever depending on the construction of any of our treaties with Spain, with which the circumstance mentioned by the right honourable gentleman could in any degree interfere. The point with respect to the lowering the duty on Spanish wines in the same proportion with those on the wines of Portugal, did not turn upon any construction of ancient treaties between this country and Spain, by which we were entitled to demand from France a right of extending to that country the same privileges, and the same commercial indulgencies as were granted to Portugal; nor did it turn upon any construction of the 7th and 11th articles of the French treaty, as determined between Great Britain and France. But France, knowing our construction of those articles, had consented and agreed that we should conform to that construction, without entering at all into the discussion of what construction the articles in themselves might strictly bear. In the pending state of our arrangements with Spain, he should not think himself at liberty to declare in that House what was his precise idea of the claims which that Court might have on this, with respect to the footing she was to stand upon in comparison with Portugal or other nations—those claims were now under discussion between the two countries, and he hoped to stand excused, if he declined entering into their nature and their tendency. As to other topics which the right honourable gentleman had introduced, they also

appeared

to him to be perfectly foreign from the question, and he should not therefore take up the time of the House by following him, concerning the complaint which the right honourable gentleman had now, after so many former discussions repeated, of the impropriety of concluding the French treaty before that with Portugal was finished, as the right honourable gentleman had said nothing new upon that subject, and as he had himself already explained the motives for that conduct fully (as he believed) to the satisfaction of the House, it seemed needless to take up any more of their time in useless repetitions; and the more so, as he remained entirely of opinion that the respective periods chosen for those two transactions were the most prudent and politic which could have been adopted.

Mr. Fox. Mr. *Fox* renewed his former argument, adding new reasons for maintaining the opinion which he had before stated, and expressing his wish, that instead of the declaration by an English Minister of the consent of a French Minister to the construction put upon the 7th and 11th articles of the treaty, it had been a stipulation in writing. He instanced the death of Mons. Vergennes as a proof of the instability of a Minister's life, exclusive of the frailty of his political existence, as sufficient reasons to make the precaution necessary. Mr. Fox read an extract from the treaty with Spain in 1750, as a justification of his former argument.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* answered, that if ever the right honourable gentleman, or any other gentleman, should come into the place where such records are equally kept, they would find ample documents in writing, as testimonials of the French Minister's agreement as to the construction of the articles in question.

Mr Sheridan. Mr. *Sheridan* contended, that the right honourable gentleman had not yet answered his right honourable friend's argument relative to the situation of this country and Spain. How awkwardly, he observed, would Ministers be circumstanced, should a Spanish vessel offer herself at any of our ports, and be refused the same rates of duty at which French goods were admitted. In this case the Court of Madrid would understand the treaty of Utrecht to be broken. He next took notice of what had fallen from Sir James Johnstone, who, he said, spoke generally with a sort of Lacedemonian eloquence. What the honourable Baronet had said jocosely of the treaty, with respect to its enabling them to get fine cloaths, fine cambrics, and fine laces, and the wines of France to intoxicate their constituents, was in effect one serious reason of his disliking the treaty, because it tended to put the country in a condition to forget her former situation, and lose sight of it altogether. Mr. Sheridan condemned the

treaty on various accounts, and took occasion to mention (what he had on a former day hinted at) the absolute necessity of coming to some commercial arrangement with Ireland. He had been in hopes that the bringing forward that business would have been taken out of his hands by His Majesty's Ministers; but if it were not soon done, he desired to be understood as giving notice that he would, after the holidays, make a motion on the subject. It was impossible that the two countries should continue as they were, both looking with their faces full to France, and merely casting a sullen side glance at each other. He begged leave to remind the right honourable gentleman, that when the Irish propositions were in agitation, he had himself urged it as an argument for agreeing to them, that if an arrangement was not forthwith made with Ireland, we should force her into the arms of France.

Mr. *Dempster* said that he thought the linen manufacturers entitled to the support of the Minister, as the faith of government was in a manner pledged to them, they having made no sort of opposition to the French treaty, under the idea that their manufacture was not to be affected or injured by it. If a new bill was to be brought in to their prejudice, their opposition to it would prove much weaker than the opposition to the treaty would have been, had their friends joined it. Mr. Dempster.

At length the House divided, Ayes, 119; Noes, 43.

The bill passed accordingly. The House adjourned.

*Thursday, 5th April,*

A recess took place the House adjourning to

*Tuesday, 17th April.*

Mr. *Burke* observed, that as it had been expected that the Secret Committee would on that day have made a report, and the report not being ready, he wished to exculpate the Committee from any blame in the delay. It had been occasioned by the great length of the charges, and from the care with which it was necessary that they should be drawn up. The different mode pursued in carrying up the present impeachment to that adopted on former occasions, rendered it more necessary for the charges to be accurately drawn, and as the impeachment was not to be voted until the charges were presented, and agreed to by the House, he wished, for the honour and credit of the House, that the charges might be particularised with the utmost exactness. It was not to be expected that the Committee, who were laymen, could draw the charges up with the same precision as professional men. The Mr. Burke

Committee had, therefore, wished to obtain the assistance of professional men, which, from the absence of those gentlemen from town, and other circumstances, during the recess, could not be procured; their aid would now be given, and he pledged himself that the report would be brought forward as speedily as possible, though it was not then in his power to state on what particular day.

He concluded by observing, that his honourable friend (Mr. Francis) meant to bring forward the charge of revenues on Thursday, to which day he wished the Committee of the whole House to consider of the charges against Mr. Hastings might be postponed.

Major Scott. Major *Scott* said, that as the right honourable gentleman had not stated any particular day for bringing up the report of the Secret Committee, he hoped that right honourable gentleman would give sufficient notice of the day, that gentlemen might be enabled to attend.

Mr. Burke. Mr. *Burke* answered, that he certainly would give due notice.

The order of the day being read for the House to be put into a Committee on the charges against Warren Hastings, Esq. the same was, upon motion, discharged, and appointed for the day following.

Mr. Adam. Mr. *Adam* rose and moved, "That Charles M'Dowall do "attend this House on Monday the 7th of May next, to "answer the matter of the said charge."

Sir Adam Ferguson. Sir *Adam Ferguson* spoke in defence of the sheriff, whom he represented as a man of the strictest honour and most irreproachable character, and as a man who had not acted in a manner deserving the censure of that House. He entered largely into the history of the customary mode of proceeding to the election of a member of parliament in that part of Great Britain called Scotland, and read a letter he had received from the sheriff, in which the sheriff declared, he had invariably pursued a conduct on all elections which he conceived to be right, that whenever a contested election was likely to happen, he had fixed on that day which might be agreeable to all parties. If the parties could not agree to any particular day, that he then had always gone to the extent of time limited by law; and that if he had acted wrong, his error was unintentional. Sir Adam appealed to the candour and generosity of the House, whether it would not be an act of severity to cause the attendance of the sheriff, a man of upwards of 80 years old, and who had filled that office unimpeachably for forty years, to state at the bar no more than what had been laid before them in the letter which he had just read?—He concluded by saying, that he was as much against the discretionary powers given to returning officers as any

member could be, and if any gentleman would bring forward a bill to restrain those powers, he should be happy to second it, and gave it all his assistance.

Sir James Johnstone.

Sir *James Johnstone* said, that he believed the sheriff of Renfrew had acted (as most other sheriffs did) with partiality towards his friends. He concluded by saying, as the honourable Baronet below him (Sir Adam Ferguson) had promised to give his support, and second any bill that might be brought in for the purpose of taking away the discretionary powers given to sheriffs, he would bring in such a bill.

The Lord Advocate of Scotland.

The *Lord Advocate of Scotland* spoke in favour of the character of the sheriff depute, and said, he was convinced that this gentleman acted upon the most upright principles. He declared himself against the powers allowed to returning officers, and said that he would give his support to the bill promised to be brought forward by the honourable Baronet.

Mr. J. S. Stuart.

Mr. *J. S. Stuart* gave the House an account of the whole of the transactions and conversation that had taken place on the subject of the Renfrew election, between Mr. M'Dowall and himself, and concluded with declaring, that from a review of the whole circumstances of the case, he thought the sheriff depute ought to be brought to the bar of the House, to be told the sense which the House entertained of his neglect of duty.

Mr. Adam.

Mr. *Adam* said, that it had not been his intention to have troubled the House farther on the subject; but what had fallen, in the course of the debate, made it absolutely necessary for him to press upon their patience for a short time. Mr. Adam then stated that it was the indispensable duty of the returning officer to cause the election to be holden in a reasonable time after the return of the teste of the writ, and grounded his assertion on the construction of the spirit of the act of parliament, called the scrutiny act. He contended, that the meaning of the act had not been complied with, but that as two prorogations of Parliament had taken place after the writ was issued, it might have happened that Parliament might have assembled and proceeded to business without a representative for the shire of Renfrew: He said that it was their duty as members of Parliament to suppose that Parliament would meet for the dispatch of business on the day to which it was first prorogued, and that they were bound so to consider the conduct of the sheriff depute of Renfrew. He therefore could not relinquish his motion, but must persist in it, lamenting at the same time that the extreme age and infirmity of the gentleman in question should happen to give his motion an air of severity, than which nothing could be farther from his intention.

Sir W. Cunynghame.

Sir *William Cunynghame* said, that he believed there was not a gentleman in the country of more honour than Mr. M'Dowall,

M'Dowall, but that, in the case of the late election, he had acted on the principle of serving his friend, rather than on the broad principle of equal justice, which was a deviation from his line of duty. He thought that the House should inform the sheriff depute of his error. Sir William stated the having kept the country in an election ferment for an unnecessary length of time, as of itself a sufficient degree of misconduct to warrant the calling Mr. M'Dowall to the bar.

The question being put, the House divided,

Ayes 20, — Noes 23.

The House adjourned.

*Wednesday, 18th April.*

When the report was received from the Committee on the bill to prevent vexatious suits in the ecclesiastical courts, and the question was put, that it be read a second time,

The Master of the Rolls.

The *Master of the Rolls* said, that he felt some objections to it, which he thought it his duty to bring forward, and he should therefore move for its recommitment. The title of it was undoubtedly such as must necessarily recommend it to the attention of the House, because every man must wish to prevent vexatious suits, either in the ecclesiastical courts, or in the courts below, but although the preamble of a bill was of no very great consequence, yet as the bill was to be subject to discussion in another place, it was incumbent on that House, not to assert in its preamble more than could be substantiated by proof. He had, he declared, his doubts whether the assertion in the preamble, that prosecutions in the ecclesiastical courts were generally vexatious, and originating in malace and resentment, was founded. It had not come to his knowledge in the course of a long professional life, that they were so, and therefore he wished to have the fact ascertained before the bill was suffered to leave the House. He stated other grounds of objection to the body and enacting clauses of the bill, and pointed out the instances in which, if the bill were to pass in its present state, great difficulty and inconvenience might arise in future He mentioned the clause of divorces. According to the law of Parliament, as it at present prevailed, a bill for divorce *a vinculo matrimonii* could not be obtained, nor would it even be received without the party applying for it being first able to prove at the bar of each House, that a divorce *a mensa et thoro* had been obtained in Doctors' Commons; all of which would be at an end if the bill passed in its present shape. He spoke also of the various causes of complaint, of defamation that might arise, and give rational ground for resort to the ecclesiastical courts, as the only courts that could apply a remedy, such

causes

caufes being not within the cognizance of the Courts in Weftminfter Hall. If a man were called a thief, or a fheep-ftealer, and the like, it was well known every man had his remedy at common law, but if an imputation much more deeply wounding to a fenfible mind, fuch as accufing a man of character and rank in life with having committed inceft with his fifter or his daughter, was thrown out, where was he to apply for an eftablifhment of his innocence, and a punifhment of his diabolical accufer, but to the ecclefiaftical court?

After a little converfation upon the fubject, the bill was recommitted for the enfuing Friday.

Mr. *Chancellor Pitt* having moved for leave to bring in a bill to regulate the collection of a part of the receipt of the tax on poft horfes, Mr. Chancellor Pitt.

Mr. *Sloper* faid that as, doubtlefs, the right honourable gentleman thought the alteration would produce a confiderable increafe in the revenue, he hoped he would ftate to the Houfe the grounds on which he entertained fuch an opinion. Mr. Sloper.

Mr. Chancellor *Pitt* anfwered, that when the bill was brought in, he fhould have a full opportunity of doing it, he hoped, to the full fatisfaction of the Houfe. Mr. Chancellor Pitt.

The motion was agreed to.

The Houfe adjourned.

*Thurfday, 19th April.*

The following papers were laid upon the table.

An account of impreft monies, repaid into the Exchequer fince the 5th of April, 1786.

| | £. | s. | d. |
|---|---|---|---|
| Money paid by Henry Crichet, Efq. on account of the Weftminfter militia | 2,500 | 0 | 0 |
| Do. George Auft, Efq. do. Cambridgefhire militia - - - | 1,550 | 0 | 0 |
| Impreft monies repaid by Major General Dalrymple - - - | 3,026 | 7 | 0½ |
| Lady Greenwich, adminiftratrix of Charles Townfhend, Efq. late treafurer of the chamber - - - | 2,000 | 0 | 0 |
| Lieut. Col. Crofbie, Mafter General of Barracks in North America - - | 341 | 4 | 0 |
| Sir William Chambers, remaining in his hands, on account of buildings - | 62 | 9 | 11 |
| Col. Clerk, late barrack mafter general in America - - - | 313 | 1 | 8¼ |
| Col. Cuyler, commander of troops in the Weft Indies - - - | 532 | 6 | 1 |

| | £. | s. | d. |
|---|---|---|---|
| William Merry, on account of a transport taken on the way to Gibraltar - | 58 | 2 | 4 |
| Lord Howe, late one of the commissioners for restoring peace in America - | 819 | 0 | 5 |
| Richard Rigby, Esq. late paymaster of the forces - - - | 55,000 | 0 | 0 |
| Peter Woulf, Esq. late governor of military hospital at Guadaloupe - | 9 | 5 | 1 |
| Thomas Ramsey, Esq. executor of John Richardson, Esq. late agent for out pensioners of Chelsea hospital - | 1000 | 0 | 0 |
| Sir Gilbert Elliot, executor of Sir Gilbert Elliot, late treasurer of the chamber | 5,000 | 0 | 0 |
| Matthew Forster, Esq. late commissioner general in the Leeward Islands - | 355 | 9 | 3 |
| Col. Matthew Dixon - | 366 | 7 | 11½ |
| Lieut. Col. William Taylor, brigadier general in East Florida - | 124 | 10 | 6 |
| Total | £. 73,058 | 4 | 3 |

JOHN HUGHSON.

*Exchequer, the 18th day of April, 1787.*

An account of the neat produce of all taxes, from the 6th of April 1786, to the 5th of April 1787.

## STAMPS.

| | £. | s. | d. |
|---|---|---|---|
| Pamphlets and stampt papers, 10th June 1712 - - - - | 41,805 | 19 | 1 |
| Stamps per Hanaper office, 24 June 1750 | 3,236 | 15 | 4 |
| Paper and parchment, 31st July 1710. | 32,084 | 4 | 2 |
| Paper, cards, and dice, 24 June 1711 | 17,790 | 11 | 3 |
| Additional cards and dice, 15th April 1756 | 9,226 | 15 | 8 |
| Do. 5 July 1776 - - | 9,001 | 13 | 2 |
| Policies of insurance, 10 June 1712 | 6,742 | 2 | 8 |
| Add. do. - 1st June, 1765 | 22,81 | 8 | 4 |
| Appren. duty 1st May - 1715 | 7,556 | 16 | 3 |
| Add. ale licen. Easter - 1756 | 36,264 | 11 | 9 |
| Add. policies, 1st August 1782 | 94,233 | 4 | 1 |
| Post-horses, 1st August - 1780 | 2,653 | 1 | 9 |

Add.

| | | £. | s. | d. |
|---|---|---|---|---|
| Add. ſtamps on paper and parchment 5th July | - 1757 | 80,261 | 3 | 6 |
| Do. - | - 1759 | 10,324 | 2 | 8 |
| Do. - | - 1762 | 383 | 5 | 4 |
| | - 1765 | 834 | 16 | 1 |
| | - 1776 | 62,154 | 7 | 9 |
| | - 1777 | 42,351 | 0 | 4 |
| Do. - - | 2d Auguſt 1779 | 19,256 | 7 | 1 |
| Do. - - | 1ſt June 1780 | 19227 | 6 | 3 |
| Do. - - | 1ſt Aug. 1783 | 145,689 | 13 | 2 |
| Stamps on bills of ex. | do. | 34,137 | 0 | 0 |
| Do. on receipts | 1ſt Sept. 1783 | 17,513 | 0 | 0 |
| Do. births, &c. | 1ſt Oct. 1783 | 1,193 | 0 | 0 |
| Add. ale licence | 1 Sept. 1784 | 16,571 | 0 | 0 |
| Hat duty - | 1ſt Aug. 1784 | 9,710 | 0 | 0 |
| Duty on plate | 24th June 1784 | 11,818 | 0 | 0 |
| Horſe dealers licences, &c. 29th Sept. 1784 | | 1,479 | 0 | 0 |
| Pawnbrokers' licences | 5th July 1785 | 923 | 0 | 0 |
| Glove duty - | 1ſt Aug. 1785 | 4,744 | 0 | 0 |
| Attorneys licences, &c. | 1ſt Nov. 1785 | 16,113 | 0 | 0 |
| Game duty - | 1 Aug. 1785 | 47,664 | 2 | 2 |
| Med. duty - | 1ſt Sept. 1785 | 13,033 | 4 | 10 |
| P. horſe duty | 1ſt Sept. 1785 | 147,625 | 6 | 6 |
| Perfume duty | 5th July 1786 | 8,197 | 0 | 0 |
| Add. duties in Scotland | 5th July 1786 | 409 | 0 | 0 |
| Add. paper and parchment | 1ſt Aug. 1731 | 39,845 | 16 | 4 |
| Paper per loty - | 2 Aug. 1714 | 20,075 | 7 | 8 |
| Wine licences - | 5 July 1757 | 19,316 | 14 | 5 |
| Almanacks - | 24 June 1781 | 1,231 | 0 | 0 |
| Stamps per bank | 1ſt Aug. 1783 | 18,000 | 0 | 0 |
| Add. ſtamps on paper, &c. 1ſt and 29th Sept. 1ſt Oct. and Dec. 1784 | | 50,678 | 11 | 3 |
| Add. ſtamp duties 5 July and 1 Aug. 1785 | | 27,541 | 16 | 5 |
| Licences for ſelling lottery tickets 1784 | | | | |
| Penalties 1783 - - - | | 144 | 0 | 0 |
| Money paid by John Roſs Mackye, recv. gen. on account of ſtampt vellum | | 348 | 17 | 0 |
| Licences for ſelling lottery tickets 1785 | | 875 | 5 | 4 |
| Ditto. 1786 - - - | | 1,000 | 0 | 0 |
| Additional ſtamps, Scotland - | | 127 | 0 | 0 |
| Arrears of apprentice duty - - | | 6 | 12 | 2½ |
| | | £. 1,153,680 | 9 | 9½ |

JOHN HUGHSON.

*Exchequer, April 28th.* 1787.

INCI-

| INCIDENTS. | £. | s. | d. |
|---|---|---|---|
| Salt, 5th April 1759 - - | 239,622 | 15 | 10½ |
| Add. do. 10th May 1780 - - | 58,655 | 11 | 6 |
| Do. 22d June 1782 - | 61,281 | 1 | 1½ |
| 700l. per week, letter money, 1 June 1711 | 36,400 | 0 | 0 |
| 2,300l. per week, 1st June 1784 | 119,600 | 0 | 0 |
| Seizures, 25th Oct. 1760 - - | 5,478 | 18 | 4½ |
| Proffers do. - - - | 665 | 16 | 2 |
| Fines of leases, do. - - | 5,802 | 15 | 4 |
| Letter money, do. - - | 105,000 | 0 | 0 |
| Allum mines, do. - - - | 960 | 0 | 0 |
| Compositions do. - - | 1 | 10 | 8 |
| Alienation duty, do. - - | 1,351 | 15 | 4 |
| Fines and forfeitures do. - - | 105 | 0 | 0 |
| Rent of a light house do. - - | 6 | 13 | 4 |
| Rent of Savoy lands, do. 6d. per lib. on pensions 24th June 1721 | 47,400 | 0 | 8 |
| 1s. deduct. on salaries, &c. 5th April 1758 - - - - | 32,995 | 2 | 2½ |
| House and wind. 10th Oct. 1766 - | 298,917 | 18 | 11½ |
| Houses, 5th April 1778 - - | 128,820 | 8 | 4 |
| Hawk. and Ped. 23 June 1710 - | 1,575 | 0 | 0 |
| Hack. coaches, 1 August 1711 - | 9,824 | 8 | 11 |
| Do. - - 1784 - | 12,979 | 0 | 0 |
| Hawk. and ped. 5th July 1785 - | 1,720 | 13 | 11 |
| First fruits of the clergy - - | 6,4[illegible] | 9 | 3 |
| Salt 1 Aug. 1785 - - | 12,000 | 0 | 0 |
| Tenths of the clergy - - | 9,903 | 14 | 10½ |
| Men serv. 1777 (arrears) - - - | 23 | 16 | 4 |
| Two wheel carriages 1785 - - | 27,690 | 6 | 9½ |
| Four wheel do. - - | 103,710 | 4 | 4½ |
| Carts, 1785 - - | 6,891 | 18 | 7¼ |
| Men servants, 1785 - - | 78,326 | 6 | 10 |
| Female do. do. | 27,434 | 14 | 7¼ |
| Horses do. | 89,964 | 2 | 10 |
| Shop tax do. | 43,427 | 7 | 0 |
| Waggons do. | 12,163 | 11 | 4 |
| Houses 1727 | 773 | 10 | 3 |
| | 1,682,887 | 12 | 6½ |
| Total of customs, excise, stamps, and incidents - - - - - | 12,546,112 | 13 | 7 |

JOHN HUGHSON.

*Exchequer, 18th April 1787.*

Mr.

Mr. *Sheridan* rose to move for a variety of papers relative to the public accounts, and prefaced his first motion with declaring, that he lamented that he had been prevented from attending his duty in the House on the preceding day, when the right honourable gentleman (Mr. Pitt) moved for leave to bring in a bill to enable the Board of Treasury to let a part of the collection of the Post-horse Tax out to farm. Mr. Sheridan said, that he did not lament his absence on account of the great degree of information which he had thereby lost, since he understood that the right honourable gentleman had not condescended to favour the House with a syllable on the subject, but merely embraced an opportunity of preparing the attention of the House for a matter of considerable moment. The idea of reviving a mode of collecting the public revenue by farming any part of it, led to consequences, of the extent of which the right honourable gentleman might not, perhaps, be sufficiently aware: it was impossible for it to be adopted under limitation; it must, if adopted at all, be adopted generally; and before the House consented to a measure of that magnitude, it behoved them to recollect, that the system of farming the public revenue had been long since exploded, on account of its having been decided to be a system uncongenial with the constitution of this country, and by no means applicable to it. This (Mr. Sheridan said) he should take an opportunity hereafter more fully to argue; and at the present, as the papers relative to the public accounts were but just printed and delivered, he submitted it to the candour of the right honourable gentleman, whether he would persist in his intention to open the budget on the immediately ensuing day, before it could be possible for gentleman to have read the papers with sufficient attention to be able to make themselves fully masters of their contents. The papers for which he then meant to move (Mr. Sheridan added) he had expected the right honourable gentleman would have moved for himself. Mr. Sheridan.

Mr. Chancellor *Pitt* answered, that what he should have to state to the House upon the morrow, would prove extremely short. The honourable gentleman did not seem to expect much information from the papers he moved for; but if he found any, he would have a full opportunity of making use of it on the report during the course of the Monday following. Mr Chancellor Pitt.

The order of the day having been moved for the House to resolve itself into a Committee of the whole House on the charges against Mr. Hastings, the Speaker left the chair, and Mr. St. Andrew St. John took his seat at the table.

Mr.

Mr. Francis

Mr. *Francis* then rising, opened the charge respecting the Bengal revenues by expressing his consciousness of the disadvantage he must suffer by a comparison with any of the gentl men who had preceded him, in the accusation of Mr. Hastings: this disadvantage arose as well from inequality of talents as from the inequality of the subject. The topics which employed the abilities of other gentlemen, were in general such as gave opening to embellishment, in consequence of appeals, sometimes to their feelings, and at other times to their justice: they consisted of matter which must occasionally interest and impress itself upon their minds. But, with every inferiority of abilities on his part, it fell to *his* lot to come forward on a question which would not admit of decoration, were he even disposed or able to employ it: it was a matter of long detail and infinite obscurity; abstruse in its nature and perplexed in its progress; so that with all the pains and attention which he had bestowed on it, he was still apprehensive of being in some degree unable to make it as intelligible to the Committee as he himself wished, or as the subject deserved. The subject in itself was at once so complicated and so dull, that it baffled the keenest inquiry, and blunted the most resolute attention. To pursue it through all its mazes was like following a gloomy labyrinth with now and then a gleam of light just sufficient to shew, that we had lost our way, and to make the darkness that surrounded us visible to our view. Enough, however, would be found, he trusted, to convince the Committee, that the management of the revenue was conducted on principles the most abandoned and profligate; by means the most unjustifiable and flagitious, with effects the most ruinous, and for purposes the most flagitious and corrupt.

Mr. Francis now observed, that before he proceeded to the charge itself, it was absolutely necessary that he should [redacted] a little on the patience of the Committee to state something in his own behalf, in order to clear his character from those imputations with which calumny had loaded it. Gentlemen well knew how easy it was in that town for imputation to be crowded on imputation without its being accompanied with any sort of proof, and to be levelled against any individual who was singled out for the purpose of being run down in the estimation of the Public. This had been the case with many worthier than himself, but with none, he trusted, who less deserved to be so run down. It had been insinuated, that in the whole of his conduct, as far as regarded the endeavours to t Mr. Hastings impeached, he had been actuated by pernal motives of hostility and hatred; the charge he was

happy

happy to have that opportunity of denying, as he then did in the most direct and unequivocal terms, and he hoped, by a brief statement of facts, which he challenged any man to disprove, to be able to satisfy the Committee that no charge of a more groundless nature, or less allied to truth, had ever been urged against any man. A great variety of imputations, of the nature to which he alluded, had been published against him in pamphlets and newspapers, and it was impossible for him to answer all which could be urged by a multitude of pens, or even by one pen assuming a multitude of shapes: he would, however, give an answer to the whole, by stating such particular circumstances of his public life, as bore any relation to his going to India, his conduct there and his conduct since his return to England. He had been bred up in the Secretary of State's office, where he had the happiness to possess the favour of the late Earl of Egremont, then secretary of state. That in 1763, Mr. Ellis had appointed him to fill a station of great trust in the war office: that Lord Barrington, who succeeded Mr. Ellis, had recommended him to a noble Lord (whose absence, and more particularly the cause of it, he very sincerely lamented) as a fit person to be sent out to India as a member of the government of Bengal; till that recommendation he had not (Mr. Francis declared) the honour of being known to Lord North. He had, therefore, obtained a seat in the Council at Calcutta, not through any private interest or intrigue, but he was taken up upon recommendation, and *that* the recommendation of persons of high rank, those who best knew his character and his qualifications, and who certainly would not have so far disgraced themselves as to have recommended an improper person, knowing him to be such, to go out to India in a station of so much power and importance. He had accordingly been nominated with General Clavering and Colonel Monson in the bill of 1773; but they did not go out, as some persons imagined, with sentiments hostile to Mr. Hastings; on the contrary, they *all* entertained the highest opinion of that gentleman's public character, his abilities and his judgement; insomuch that General Clavering, previous to their sailing, obtained a private audience of His Majesty for the purpose of humbly soliciting His Majesty to send out a mark of honour to Mr. Hastings, in order to induce him to continue in the government of India, they being afraid that on their arrival he might come home, and leave the government in an embarrassed situation from their want of experience of the state of affairs in India. Thus entertaining the highest opinion of Mr. Hastings they sailed for India, and when they landed at Calcutta, they landed under that impression; yet they had been there but

a very ſhort time before they found that the reverſe of the picture which they had drawn to themſelves for Mr. Haſtings, was the true character of that gentleman, and that ſo far from meriting their ſupport, he deſerved their oppoſition, and (what might ſeem ſurpriſing to thoſe who did not know Mr. Haſtings as well as he did) that he was as deficient in judgement and knowledge, as he was in other reſpects. From that time (Mr. Francis ſaid) his oppoſition to the meaſures of Mr. Haſtings commenced, and he had uniformly perſiſted in it till the preſent moment; but then it ought to be remembered, that he had not ſtood ſingle in that oppoſition; Sir John Clavering and Colonel Monſon had acted with him as long as they lived; and they had all three acted upon public grounds, and in compliance with what they had conceived to be their indiſpenſable duty. That as to perſonal reflections or invectives he (Mr. Francis) had never made uſe of any; whereas every other perſon, at any time in office with Mr. Haſtings, even Mr. Barwell, Sir Eyre Coote, and Mr. Wheler, had often treated Mr. Haſtings with the greateſt perſonal indignities and violent reproaches.—During his ſtay in India he had conſtantly told Mr. Haſtings, that he would do every thing in his power to cauſe a public inquiry to be made into his government, and with that view he had invariably and avowedly acted from the moment of his arrival, as the Directors of the Eaſt-India Company well knew—Obſerving that no Directors were preſent, Mr. Francis ſaid, he meant that day to have laid that blame at the Directors' door, which he thought they deſerved; but they ſhrunk from the charge, through a conſciouſneſs of their own criminality, and dared not face an accuſation, the truth of which they could not diſpute. In India he had acted from the beſt motives, and had, while he was there, received the thanks and approbation of the Directors: when he came home, he flattered himſelf that he arrived loaded with applauſes; but what was his aſtoniſhment, when, ſo far from treating him civilly, the Directors ſhut their door in his face, and he was marked out as a reprobated character, and as a perſon who was on no account to be ſpoken to; and yet thoſe very Directors, who (as Mr. Haſtings himſelf had declared) did nothing but cenſure every part of his conduct when in India, on his return home received him with every mark of honour and diſtinction, and were actually ſupporting him againſt the charges, although they were all charges of criminal and corrupt conduct while entruſted with the management of their affairs. There was (Mr. Francis ſaid) another matter rather of a delicate nature, which had been ſtated in that Houſe and without doors, as a reaſon why he ought

ought not to take any part against Mr. Hastings, and that was the circumstance of his having fought a duel with that gentleman at Calcutta: it had been said, that, according to the laws of duelling, when a man quitted the field, there ought from that moment to be an end of the cause of the duel, and it should not ever be again mentioned. The laws of honour (Mr. Francis observed) were extremely capricious and extremely arbitrary; but capricious and arbitrary as they were, he should certainly think himself bound to submit to them, as to a positive, not a rational law, where they could with any sort of propriety be applied to the particular case in question. It was true that he had fought a duel with Mr. Hastings, but the cause of it was no private quarrel; they had not courted the same mistress, they had no difference at play, over wine, or on any other ordinary cause: their difference had been a public difference; Mr. Hastings had deliberately entered a minute on the council records so scandalous to his character and so injurious to him, that it left him no other alternative than that which he embraced; they met, and he was shot through the body, which (it *might* be said) ought to be deemed a sufficient satisfaction; in a duel for a private quarrel it *might*, but surely the case was different where the cause was a public cause. When he received the ball, he did not imagine that he should survive; he gave Mr. Hastings his hand, declared that he forgave him, and bade him prepare for the state in which his death would leave the government. But what was it he forgave him? why, the insult given, the being the author of his death, as he then supposed that he would prove. He did not relinquish his opinions on the public conduct of Mr. Hastings, he did not promise to abandon those opinions in case he should survive, nor engage to desist from endeavouring to cause an inquiry into his conduct to be instituted, provided that he should live to come to England, which he had always declared to Mr. Hastings himself that he would endeavour to cause to be instituted. He stood, therefore, as fairly entitled to be Mr. Hastings' accuser, as if the duel had not happened. Throughout his conduct in India he had never been guilty of any violent language against Mr. Hastings, nor said the harsh things that Sir John Clavering had repeatedly uttered to the face of the Governor General; other gentlemen had opposed his public conduct as well as he had. At times Mr. Wheler and Mr. Stables had done so; why then was so much obloquy thrown upon him? He knew the reason; he was the only survivor; Sir John Clavering, Colonel Monson, Mr. Wheler, and Sir Eyre Coote were all dead, and he alone was left to bear the brunt of the storm: but as he carried out a spotless charac-

ter to India, and brought home a character equally free from imputation, he had a right to expect a very different sort of treatment from that which he had experienced. An honourable gentleman over against him had charged him in that House with writing pamphlets abusive of Mr. Hastings, without having any authority for such an assertion; no man without authority was entitled to charge him in that House with being the author of any pamphlet which he did not avow; but a circumstance had happened between the honourable gentleman and him, which rendered it in the highest degree improper for that honourable gentleman, of all men, to make such a charge upon him, and he would tell the House what that circumstance was. Soon after his arrival from India a publication came out, respecting which the honourable gentleman wrote him a note, paying him a variety of compliments on the publication, declaring it contained so much correct information about the recent state of affairs in Bengal, that it could come from no other writer than him, and begging to know, whether it was his or not, In answer to this application he wrote an immediate note back, in which he left the Major at liberty to consider him as the author. After so satisfactory and candid a confession on his part, surely the honourable gentleman, of all men, had no right to impute an anonymous pamphlet to him without any sort of proof, and without asking him the same previous question which he had put to him in the first instance.

Mr. Francis now proceeded to open the 15th charge, which he declared was a general charge against Mr. Hastings for a systematical, universal, and excessive abuse of his power over the people directly placed under his government and their property; first, on principles absurd, contradictory, and flagitious; secondly, by means arbitrary, tyrannical, and cruel; thirdly, with effects oppressive and afflictive to the natives, ruinous to the country, destructive to the revenues, injurious and fraudulent to the India Company; fourthly, for purposes of the most abandoned corruption of himself, and of every other person whom it was in his power to corrupt. In order to prove to the conviction of the Committee that this was a true description of the charge, Mr. Francis said, he would begin with ascertaining the state of landed property in Bengal, to shew the right of the natives called Zemindars to their lands. The property of land in Bengal was, he declared, according to the laws and customs of that country, an inheritable property, with few exceptions, vested in certain natives called Zemindars or landholders, under whom certain other natives called Talookdars and Ryots held certain subordinate rights of pro-

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perty or occupancy in the said lands. He quoted Mr. Rouse's evidence from the Sixth Report of the Select Committee in confirmation of this assertion: he stated the principles and practice of the Mogul government, during the existence of which in its vigour the property of Zemindars was held sacred, and that either by voluntary grant from the Mogul, or by composition with him, the native Hindoos were left in the free, quiet, and undisturbed possession of their lands, on the sole condition of paying a fixed and unalterable revenue or quit-rent to the Mogul government. He spoke of the rights of the Zemindars, and the question whether they were proprietors of lands, or mere officers of government, as collectors of the revenue; if they were the latter, he asked, how they came to be provided for in the Shaster; how came their estates to be divisible after death into shares for the children of the dead Zemindar; and how happened it that they descended to women? Both by the Koran and the Shaster a daughter might succeed; and did any man ever hear of an office being hereditary, or capable of division into shares, or of being held by women? If Zemindars were public officers and mere collectors of revenue, there were at least fifty thousand collectors of the land-tax in Bengal.

His conduct in 1781, when he put the lands in general up to sale by auction, was, Mr. Francis declared, inconsistent with his own declarations in favour of the rights of Zemindars. He proved this assertion, by reading an extract from Mr. Hastings' letter or minute, in which he declared, "That, by entrusting the collections to the hereditary Zemindars, the people would be treated with *more tenderness*, the rents more improved, and cultivation more likely to be encouraged; that *they* have a perpetual interest in the country; that *their* inheritance cannot be removed; that *they* are the proprietors; that the lands are *their* estates, and *their* inheritance; that, from a long continuance of the lands in their families, it is to be concluded that they have riveted an authority in the district, acquired an ascendancy over the minds of the ryots, and *ingratiated their affections*. That from continuing the lands under the management of those who have a natural and perpetual interest in their prosperity, solid advantages might be expected to accrue; that the Zemindar would be less liable to failure or deficiencies than the farmer, from the perpetual interest which the farmer hath in the country, and because his inheritance cannot be removed, and it would be improbable that he should risk the loss of it by eloping from his district, which is too frequently practised by a farmer, when he is hard pressed for the payment of his balances, and as frequently predetermined

"when he receives his farm."—Every thing in the charge, Mr. Francis said, was copied from Mr. Hastings' own letters and minutes, so that he could not dispute the validity of the facts alledged. Indeed, in his defence, he admitted almost every fact either directly or indirectly, by entering into a justification of it. After acknowledging the Zemindars' rights, property, and inheritance, Mr. Hastings in his review took a new principle, declaring that "he dared "not go the length of affirming that the Zemindars were "not owners of the lands," but he gave all their produce to the Sovereign, as if property signified any thing distinct from *usufructuarius*. Mr. Francis reasoned upon (what he called) a new and extraordinary species of distinction, pronouncing it contrary to reason and justice. Perpetual innovations were, he observed, incompatible with any rational idea of good government, and yet Mr. Hastings had adopted no less than a dozen different modes of managing the revenues in the course of fifteen years; though he himself expressly declared, "that innovations are always attended "with difficulties and inconveniencies, and innovations "in the revenue with a suspension of the collection," &c. &c. Mr. Hastings, however, was arbitrary in every thing, not merely from ignorance and caprice, but from system; being bound by no fundamental principles, he changed his measures as often as he liked, and made every innovation a new source of fraud, and a new means of oppression. He seemed to know that if once there was a fixed settlement, there must be an end of peculation; he therefore took care to avoid coming to any thing like a fixed settlement. In fact, Mr. Hastings detested all general principles excepting two, and they were first, negatively, to have no principle at all. Secondly, a principle of his own, "That the affairs of the Company, when he took charge "of the Government, stood on a footing, which could nei-"ther last as it was, nor be maintained on the rigid prin-"ciple of private justice." This was the basis of the whole of Mr. Hastings' Government, and the superstructure had corresponded with the foundation, for it must be acknowledged that Mr. Hastings had acted up to his principle.

Mr. Francis then stated the following facts: In 1766 a Naib Duan, with Aumils, or native Collectors, was appointed; in 1769, Supervisors; in 1770, Controlling Councils of revenue at Morshedabad and Patna; in April 1772, the Naib Duan, or native Collector, was abolished, and a Committee of Circuit and Collectors were appointed, and the General Board of revenue at Muxadavad abolished; in November 1773, Collectors were abolished, and Provincial Councils created, each with a native Dewan to watch them; in October

1776,

1776, Aumeens were sent out to obtain accurate states of the real value of the lands; in February 1781, which was two months before the close of the Bengal year, the Provincial Councils were abolished, and the Committee of Revenue appointed. Mr. Francis reasoned upon these several changes and innovations progressively as he mentioned them, and particularly laid a stress on the bad œconomy of putting the Government to a double expence, by making two different charges of collection in one year. He afterwards pursued his narrative, and stated that in May 1785, as soon as Mr. Hastings had left Calcutta, Mr. Charles Stewart proposed to abolish the Committee as a most destructive system, and to re-appoint Collectors; and, on the 12th of June 1786, the Committee was abolished, and a new Board of revenue appointed, with Collectors in the districts. From 1766 to 1786, therefore, no less than twelve different institutions or material changes of system took place, eight of which were adopted by Mr. Hastings. These changes were of themselves sufficient to harrass any country, to ruin and to drive any people to despair. They were the cause of all the balances in the hands of farmers, renters, &c. after they had racked the country, because when they expected a change of hands, they paid nothing to the present Collector, and took their chance with his successor; but the farmer never failed to rack the Zemindar and the Ryots. Mr. Francis here read the following extract from Mr. Stewart's minute of 1785: "Bengal year is just expired, and the collections are at an end: such balances therefore as have "fallen, cannot be farther realized without encroaching on "the revenue of the new year, a practice of all others the "most pernicious!" Mr. Francis entered into a discussion of the particular object and effect of each change of system which had obtained, but chiefly insisted on the *Committee of Circuit*. He mentioned the state of the provinces in 1771, in consequence of the dreadful famine which took place in 1770 in the provinces of Bengal and Bahar, and said, that Mr. Hastings nevertheless made an arbitrary settlement of the revenues for five years at a higher rate than had ever been received before, and with a progressive and accumulating interest on each of the four last years of the said settlement. This Mr. Hastings thought to effect by violating the hereditary rights of the Zemindars, and universally letting the lands by auction to farm for five years, and justified it by saying, that it could not be foreseen that the farmers could engage for an higher revenue than the districts would afford. The final balance at this time was 230 lacks, and it was worth inquiry what became of it. In consequence of the violation of the rights of the Zemindars by the whole landed

property of Bengal being put up to a pretended auction, all the Proprietors were dispossessed as above mentioned, and banyans, adventurers, and thieves of all sorts, were put into possession of the lands; and yet, in his defence, Mr. Hastings had the modesty to declare, that property was not transferred. This mode of letting the lands was the more extraordinary, as Mr. Hastings himself had declared, "that "by this way the lands too generally fell into the hands of "desperate or knavish adventurers." It was a fundamental regulation that no one person should hold a farm above one lack, and yet Canto Babboo, Mr. Hastings' own Banyan, was suffered to have farms to the amount of 13 lacks and a half, and 16 lacks of the investment. Mr. Francis stated the farm of the lands of Baharbund, and Patcheet, and Bissunpoor, as among others of the farms let to Canto Babboo; that Baharbund was part of the Zemindary of Radshi; that Cantoo Babboo's settlement with the country was 35,000l. whereas his settlement with Government in perpetuity was only 8300l.; that he had relinquished the other two at the end of the two first years with a balance of 245,557l. deficiency. The preceding renters, who had been turned out to make way for Canto Babboo, had paid up their rents, or very nearly. Mr. Francis next mentioned the salt farms in Dacca, holden by Mr. Barwell, in which General Clavering observed to the Directors, that they would be an epitome of all the transactions of the Committee of Circuit.—He spoke also of the farm of Sylket, and the farms of Curruckpore and Monghyr, holden by Bateman, the Collector, in two fictitious names, and who named a third, his own servant, for security, who being pressed for a balance, discovered the whole cheat.

After stating other facts of a similar nature, he said that the Directors, in a letter dated the 4th of March 1778, and signed by William Devaynes and Nathaniel Smith, Esqrs. late Chairman and Deputy Chairman of the said Court, and members of that House, did declare, that, "although it "was rather their wish to prevent future evils than to enter "into a severe retrospection of past abuses, yet, as in some "of the cases then before them, they conceived there had "been *flagrant corruption*, and in others great oppressions "committed on the native inhabitants, they thought it unjust to suffer the delinquents to pass wholly unpunished; "and therefore they directed the Governor General and "Council forthwith to commence a prosecution against the "persons who composed the Committee of Circuit, and "their representatives, and against all other proper parties;" but that the prosecutions, so ordered by the Court of Directors in the year 1778, had never been brought to trial,

and that Mr. Hastings did, on the 23d of December 1783, propose and carry it in Council, *that orders should be given for withdrawing* the said prosecutions, declaring that he was clearly of opinion that there would be no ground to maintain them, and *that they would only be productive of expence to the Company, and unmerited vexation to the parties.*

If it were asked why these prosecutions had been stopped, the answer could be no other than because the orders for instituting them arrived in India in 1779, after the power had revolved to Mr. Hastings and Mr. Barwell, and because they were to be tried by Sir Elijah Impey. Mr. Francis said that he would not dwell upon the conduct of Sir Elijah for an obvious reason, but with regard to the whole transaction, added to the direct proofs which he had stated, a presumption arose irresistible to any informed persons, of the havock made of the property of the natives, from the petition of Cossinaut Babboo to Mr. Hastings' face, viz. "Neither am "I indeed at all desirous of acquiring any person's Zeminda-"ry in this country, for, if it had been my ambition, I "might surely, when by the favour of the English gentle-"men I was (as is well known) placed at the head of affairs, "have possessed myself of the Zemindaries and Talooks of "many people, in like manner as several Calcutta Mutsud-"dies have done, as is well known to you." 16th Dec. 1777. All the defence Mr. Hastings made for an act of such complicated iniquity is comprised in these words: "*The* "*propriety of the measure requires no proof!* that the subject of "his Banyan's farms is now become obsolete; that he had "no interest in the transaction, and that he really believes he "lost very considerably by his farms." The conclusion, Mr. Francis said, was gross and palpable. A bare contradiction proved nothing. But if it were seriously asked, why they did not prove more? The balances and notorious fortunes of individuals proved enough. How were these to be accounted for but by such practices? Besides, they were in a certain course of discovery when Nundcomar was cut off, and cut off, he verily believed, for no other cause but his having come forward as the accuser of Mr. Hastings. Who would, after that event, venture to stand forth in so dangerous a character, or how could they pretend to the common feelings of humanity, and ask any man to do so, when they could protect no man? Had the Supreme Court of Judicature done their duty, the whole would have appeared in evidence. He instanced the state of the Company's civil servants at the time, and spoke of the difficulty of proving any thing from their evidence, whether as accomplices or expectants. The Company's system was such as necessarily tended to corrupt the best disposed men; and hence they had made it a common cause with Mr. Hastings, which was an

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imprudent and unneceſſary ſtep, as a general defence, with ſuch facts eſtabliſhed, proved that the Government of India was founded in a bad ſyſtem, with a wicked Governor at the head of it. They ought, he declared, to have made it a common cauſe with *him*.

With regard to a future good government, he aſſerted that there were two fundamental conditions *ſine quibus non*—a fixed revenue from the country and ſalaries or allowances to the Company's ſervants proportionable to their rank and ſituation. At preſent the ſalaries paid by the Company were ſo ſcanty that their ſervants could not live upon them, and thence they were expoſed to corruption and prompted to be rapacious. Allow them ſuch ſalaries or emoluments as would enable them to make moderate fortunes in a reaſonable period of time, and to live under the hope and expectation of returning home with fair characters, and the Company might then expect them to act with integrity. If theſe conditions were not adopted, every thing elſe he was perſuaded would be uſeleſs. He recapitulated the fate of thoſe perſons who had made diſcoveries, mentioning Grueber, who had been turned out of the ſervice for declaring, that he had paid 12,000 to the Committee of circuit at Dacca, Nundcomar, who was executed, the Ranni of Burdwan, and the Ranni of Radſhi, who had been perſecuted unremittingly ever ſince they diſcovered the peculations practiſed by the Governor General's Banyans and Agents. He ſtated alſo the caſe of Ramchunder Seine, who had been proſecuted for a conſpiracy, and fined 5000 rupees. He gave a ſhort account of each of theſe caſes and perſons ſeverally, and of Canto Babboo, and of Nundelol, ſtating Mr Moore's evidence about the latter; whence it appeared, that after having had the ſa... farm, and been deficient four or five lacks, he was reinſtated, and there was then an additional balance of ſeven lacks. He mentioned Nobkiſſen, who had been ſtated by Mr. Sheridan, in opening his laſt charge, as having preſented the Governor General with three lacks; and likewiſe Gurga Govind Sing, whoſe diſmiſſion from the Calcutta Commiſſion in 1775, had rendered him an improper perſon to tranſact affairs of ſuch moment to the Company, and yet he was placed at the head of the Aumeens in 1776. That the ſyſtem of black Provincial Councils had been converted into a job, that there was a Dewan in each, and that the plan profeſſing to be general was reduced to nothing by exceptions, that the eſtabliſhed members were increaſed, while their duties were reduced to a ſtate of non-exiſtence. He mentioned Boglepore having been detached for Mr. James Barton; Midnapore for Mr. Pierce; Sarum and Champarum for Mr. Græme. He ſpoke of the Committee of Circuit, and the remiſſions on their ſettlement of Burdwan, Nudder, &c. under the head of peculation, and under that of oppreſſion, he mentioned the Aumeens and the

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monstrous power given to that people, and stated the letting the farms to Nundelol, Birjoo Kishore, and Badhadre Sing (all dismissed servants of the Rannee of Radshi and the Rannee of Burdwan) as instances of oppression, origiginating in corruption. He next treated of the Committee of Revenue established in 1781. The Provincial Councils were, he said, abolished, after subsisting eight years, and receiving repeated confirmation by Mr. Hastings, in two months after his (Mr. Francis') departure, and carried against Mr. Wheler's opinion, which occasioned the minute to be three times altered, but at last he (Mr. W.) yielded, finding it in vain to resist. The Governor General had pensioned the members, as they were removed for no fault of their own, though *now* he accuses them of faction and incapacity; that the collectors and chiefs were left in temporary charge, yet none of them were ever recalled; and mentioning some other particulars, he came at length to speak of the Committee of Revenue, declaring that the object of the institution was not answered by an appeal to the personal character of the members. They were Mr. Anderson, who was generally absent, and employed in various embassies; Mr. Shore, often absent, and likewise, making settlements; and Mr. Charters, also absent; so that Mr. Croftes, who was left with Gonga Govind Sing, and Mr. Evelyn the supernumerary, might be said to have all the weight of the business upon their shoulders. Mr. Francis declared, that the delegation of the powers of the Board was illegal in itself.—The Governor General and Council being themselves delegates, could not delegate or transfer their power. If in any one instance they could do so, they could in all. Why not command the army by a Committee? It was, he said, directly contrary to the orders of the Directors, who had reprobated the idea of delegating separate powers even to the Governor General. Besides this objection, the members of the Board were junior to the chiefs to whom they sent orders. He stated their pay to consist of two per cent. on the neat sums paid at the treasury, and of one per cent. on ditto paid the chiefs and collectors. He asked why that distinction? and said, that by the printed list laid before the House it appeared, by the distribution, that the annual commission must have amounted to 52,220l. The neat collections at a medium of three years, were only 190 lacks of rupees. Of that sum, suppose one third paid in Calcutta, and two thirds in the districts, then the commission would amount to only 2,53,000 rupees or 26,000l. sterling; suppose one half in Calcutta and one half in the districts, the commission then would amount to 2,85,000 rupees, or 30,000l. sterling. The annual settlement was, by average and discretion, tho' in 1776 Mr. Hastings would hear of nothing but actual hustabood and accurate valuation. Bahar was granted in perpetuity to Kellyram and Cullian Sing, if they paid up

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the revenue, and Baharbund on the like condition to Canto Babhoo. It was declared to be the rule to leave the lands to the Zemindar, particularly Radshi, Nuddea, Dinagepoor, and Burdwan, though really made over to Nandolol, Mr. Mac Dowal, Davy Sing, and Nobkissen. After a variety of cursory remarks and statements, Mr. Francis took notice that Mr. Hastings, in his defence, asserted that the revenues had considerably increased, under the management of the Committee of Revenue, in these words: — "It is in proof before "this honourable House, that the revenues have considerably increased under the management of the Committee of "revenue. I refer this honourable House to authentic documents upon their table, transmitted from Bengal since "my resignation of the service; these will prove how considerably the revenues have increased since the institution "of the Committee of the Revenue." Mr. Francis said, that the whole real power of the Committee was vested in Gunga Govind Sing. He spoke of the character, power, and conduct of this man, and his connections with Mr. Hastings from the first, declaring that he was a notorious and adroit villain, and referred for a confirmation of this assertion to the minutes of Mr. Stable, Mr. Stewart, and to the following minute of Mr. Macpherson: "I should be particularly happy to see the Committee in a capacity to execute these important duties, independent of that general agency and improper authority of a native Dewan, or in plain English, "a native Chancellor of the Exchequer." He next mentioned the Peicush levied by Mr. Hastings beyond the established revenue, and unknown to the Directors and his colleagues, asking, Where was the account of the settlement of this Peicush? Where was the account of the collection? Who was the collector? and, What check was there on the transaction? He reprobated the pretence that these exactions were for the Company, and said, who could tell? And if it were so, it was no defence of an act prohibited by law, and criminal in itself.

He came at length to the general state of the revenue and charges of collection from April 1772. He said there was no account of 1784-5 come; that an account of 1785-6 had been received, but not regularly; and that it was carried up to July 1786, which was 15 months, which never was done before.

Total gain promised by Mr. Hastings.

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| First year, Sicca Rupees — | 51,09,673 |
| Ditto for 4 years | 4 |
| | 2,04,38,692 |
| But in these 4 years the average, neat receipts, fell short of the average of the preceding 9 years, by Sicca rupees 12,890, or in 4 years | 51,20,796 |
| Failure of promise in the first 4 years — | 255,59,488 |
| Or three millions sterling in the 5th year, a still greater proportionate failure. | |

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| Total neat collections of 9 years, ending in April 1781, Sicta rupees | | 18,05,41,971 |
| Average | | 200,60,219 |
| Neat collections of the four ſucceeding years | | 751,20,083 |
| Average | 1,87,80,020 | |
| Annual deficiency, com. ann. | | 12,80,199 |
| Deficiency of four years under the Committee | | 51,20,796 |

Mr. Francis, now ſpoke of the merit aſſumed by Mr. Haſtings for the monopolies of ſalt and opium; that was, for the continuance and improvement of a mode of taxation reprobated by every wiſe government, and particularly prohibited by the Court of Directors. The monopoly of a neceſſary of life, was not, he ſaid, a very new or wonderful diſcovery in finance. Make the mode of taxation rigorous, and undoubtedly it would be productive. Take proper meaſures to keep out foreign ſalt, and certainly the price of their own would riſe; but, was the profit real? Was there not a proportionate loſs in the land revenue of the ſalt diſtricts? If it were ever ſo profitable, was it fit that the neceſſaries of life ſhould be monopolized in Bengal. The manufacture of ſalt ſhould only be raiſed by a duty; but Mr. Haſtings pleaded diſtreſs. His defence as a financier made him criminal as governor. Even by his own account the Company's affairs flouriſhed ſo late as the year 1779. His political meaſures had been the cauſe of all the diſtreſs, particularly the Mahratta War. With regard to the opium, Mr. Haſtings firſt taxed the lands, and then monopolized the produce. There were three parts in this buſineſs, the monopoly, the contract, and the contraband exportation. He ſtated the cruel effects of the monopoly upon the Ryots, who cultivated the poppy lands. They were forced to ſell the produce of their labour to one monopoliſt at his own price; forced to cut down their rice to plant poppy. And, why all this wickedneſs? Not for the Company, but for job and patronage, to make the fortune of a favourite in a ſingle hour. The honourable gentleman oppoſite to him (Major Scott) had avowed *this*, and a Director (Mr. Alderman le Meſurier) had confirmed it.

Mr. Francis recapitulated the heads of his ſpeech ſummarily, and at length after earneſtly recommending that a committee ſhould be appointed to examine the ſtate of the accounts of the revenues ſince April 1779, wound up his ſpeech with declaring, that when Mr. Haſtings came into poſſeſſion of the Bengal Government, he found Bengal a fertile, a wealthy, a populous, and a proſperous country; that it contained a regular gradation of ranks, like a pyramid, from a well ordered yeomanry up to ſovereign princes, that it in-

cluded

cluded hierarchies, kingdoms, and principalities; that there were in it sovereigns, inferior princes, nobility, clergy, gentry, farmers, and labourers; and that through the corrupt and ill-principled government of Mr. Hastings, all these distinctions had been broken down and destroyed. That the whole nation had been *pounded* down into one general and indistinct mass, that all gradation and degree were destroyed, and that the Prince was even no otherwise to be discovered from the peasant than by the superiority of his sufferings, and the humiliating proportion of tyranny, oppression, and extortion to which he had been forced to submit.

Mr. Francis, having now spoken near three hours, concluded in nearly the following terms. My particular labour is now at an end. An unremitting perseverance for thirteen years together in the same pursuit, has at last conducted me to that issue, which has been the object of all my efforts. Mr. Hastings must now be impeached. Let him have a fair trial. I desire no more. In arriving at that object, I have secured every personal purpose that I ever had in view, in persisting so long as I have done in this unthankful office. The reputation of Sir John Clavering, Colonel Monson, and my own are secure. Whatever may be the fate of the question immediately before you, the charges already voted are sufficient to shew, that there are public grounds, of unquestionable criminality, for the impeachment of Mr. Hastings. Your votes are my authority,—The House of Commons are my compurgators.—The only victory I ever aimed at is obtained.—The only triumph that a man of honour would solicit or accept of in such a question, is decreed. I never had a thought or expectation of succeeding to his office by driving him from it, or of sharing in the spoils of his fortune. My only personal object was to clear my character from foul aspersion, and to establish, as I trust I have done, the integrity of my conduct in the estimation of my country.

I move you, Sir, therefore, that Warren Hastings, Esq. be impeached on this charge.

Major Scott rose next, and said,

Major Scott

Mr. St. John,

"At so late an hour it would be unpardonable in me to "follow the honourable gentleman through the vast range "that he has taken, I shall therefore content myself with "replying to the only points that can at all affect Mr. "Hastings in this charge, after having said a word or two "upon the honourable gentleman's exordium.

"He is pleased to say, Mr. St. John, that he has been "attacked in pamphlets and prints;—this is rather an extra-"ordinary complaint from so great a pamphlet writer as the "honourable gentleman has been. The difference between "him and me is, that I have generally signed my name to

what

" what I have written; but I do assure him, that if there is " any anonymous publication that the honourable gentle- " man will state as offensive to him, I will very readily " avow myself to be the author of it, provided it is one that " I have written.

" The honourable gentleman has told you, and truly, " that very soon after my arrival in England, I applied to " him to know if he had written a certain pamphlet, and that " he told me he did write it: but does the honourable gen- " tleman mean, by relating this anecdote, to impress an opi- " nion upon the minds of gentlemen in this House, that he " wrote no other pamphlet since that time? [Here Mr. Fran- " cis shook his head.] If the honourable gentleman does " not mean this, I know not for what purpose he mentioned " the circumstance; but I affirm, upon full conviction, " that he has written three pamphlets in the course of this " and the last year, all since this inquiry commenced; the " first, " Observations on Mr. Hastings' Narrative;" the " second, " Observations on his letter relative to presents;" " and the last, " Observations on his defence:" upon all of " which I have stated my opinion in very plain terms; and " I was last year authorised to state the opinion of a noble " Earl, to whom one of those pamphlets was sent under a " blank cover, upon the scandalous indecency of such a pro- ceeding, pending such an inquiry; yet the honourable gen- tleman, who actually began this system of pamphlet wri- ting before I had put pen to paper, and has continued it ever since, complains of the injury that he has sustained by anonymous publications.

" The honourable gentleman has, this night, as usual, " been very severe upon the Court of Directors, though not " one gentleman of that body was present at the time. He " says they shut their doors against him on his return to " England; but, Mr. St. John, they opened their purse " strings to him before he went out. They advanced him a " sum of money to enable him to go out, which is a single " instance of indulgence to a servant of his rank; and surely " it would be but fair to set the one against the other, and " then it would appear that he is under very great obligations " to the Court of Directors. I shall now proceed to the " charge. It is with the utmost astonishment that I see it " stated in the charge, and heard it dwelt upon by the ho- " nourable gentleman, that Mr. Hastings had set up the " whole Nobility, &c. to public auction, and that he had " deprived the Zemindars of their estates. Sir, I affirm, " that there is not a shadow of foundation for this charge, " and the honourable gentleman knows it. Mr. Hastings " did, by the orders of the Court of Directors throughout " Bengal, what had always been done throughout the pro-

" vince

" vince of Burdwan, and the twenty-four Pergunnahs, from " the time we acquired them. He let the lands to the highest " bidder.

" I should be very glad to ask the honourable gentleman " if Mahomed Riza Khan and the Resident at the Durbar " did not always do the same thing annually at the Puna? " If the Zemindar of a district did not offer what was deem- " ed a fair price by Government, the land was regularly " given in farm, and the Zemindar received his moshaira, " or per centage upon the amount of the jumma. The " practice has been constant; the Company themselves re- " commended the farming system; and why? Because they " knew the flourishing state of Burdwan, where the lands " had always been let in farm, and a very great part of " them to Calcutta Banyans; and every gentleman who " knows any thing of India must know, that Burdwan, " from 1765 to 1772, was a garden when compared to eve- " ry other part of Bengal. The honourable gentleman says, " the lands were let too high by the Committee of Circuit. " I allow it; but will he consider for a moment what was " the state of public affairs at the time. The Government " here had compelled the Directors to pay the State four " hundred thousand pounds annually; the Proprietors insist- " ed upon a dividend of twelve per cent. and Lord Clive " had rated the revenues of Bengal higher, and their expen- " ces lower than they turned out. All these events were " prior to Mr. Hastings' return to Bengal. He was instruct- " ed to increase the revenues, and to diminish the expences " as much as possible; and it was his plan to raise as great a " revenue from the country as he could, without injustice. " Will you blame him for this? I will not follow the ho- " nourable gentleman through his detail, since I am sure the " Committee will neither understand him nor me; but they " will understand this, which I affirm from evidence upon " your table to be a fact, that after all the remissions upon " the five years settlement, and after deducting all the balan- " ces also, the actual neat collections into the treasury (and " all other statements must perplex and mislead) were consi- " derably more than they have been for any five years since " that period, and this is the only criterion to prove, that, " after all that has been said, the settlement was a very " good one.

" With respect to the farms held by Canto Babboo, I af- " firm that the honourable gentleman has attempted very " grossly to mislead the Committee. He knows himself that " Canto possessed many considerable talooks or estates, long " before Mr. Hastings' return to Bengal, and that he was al- " so a considerable farmer; his talooks and farms amounting " to sixty thousand pounds a year. He got, I believe, one

" in

" in addition, because it was contiguous to his other farms, " but not as a matter of favour, but because he was the high- " est bidder; and it is remarkable that this man has paid up " every rupee of his balances; whereas the Bengal balances " of the five years settlements amounted to 54 lacks of ru- " pees. His remissions were less considerable than the ave- " rage to others; and as for his investment contract, he " was in possession of it before Mr. Hastings' return to Ben- " gal, being in fact a man of considerable connections, and of " very extensive dealings as a merchant and a farmer, even " before Sir Francis Sykes, to whom he was Banyan, had " left India.

" With regard to the farms of Bissenpore and Pacht, the fact " is certain that they were not let to him, but to a servant of " his, by Mr. Barwell and the Council of Calcutta, in " Mr. Hastings' absence, and without his knowledge; and " Canto Babboo solemnly declared afterwards, that he was " not himself privy to the affair till it was concluded; whe- " ther he was or not, cannot be of the smallest consequence " to Mr. Hastings.

" The third act of favour, stated to have been shewn by " Mr. Hastings to Canto Babboo, is of so singular a na- " ture, that I cannot but express my astonishment at the ho- " nourable gentleman's attempting to mislead the House, and " in direct contradiction to a record moved for by himself, " and of a business too in which he himself was a party.

" In the month of July 1779, Canto Babboo applied for a sun- " nud for the Zemindary of Bahurbund, being an instrument " necessary to the completion of a grant, which he had acqui- " red before Mr. Hastings arrived in Bengal: he also claim- " ed the moshaira, or per centage, as Zemindar, stating his right " to it. He also stated what had been the actual collections " from Zemindary, and his account was fully confirmed by " the examination of Mr. Purling before the Supreme Coun- " cil, and by the authentic revenue record, called the Jum- " ma Wassel Baky, which must be correct, and is confirmed " by the Secretary, who says that it is accurately stated.

" Upon this evidence the Zemindary is granted, and the " only difference between Mr. Hastings and Mr. Francis " was, that the former was for allowing the moshaira, or " centage, upon the jumma, and Mr. Francis was for not " allowing it, and it was not allowed; so that in fact Can- " to Babboo paid for his Zemindary higher than the high- " est of all the preceding collections. This is the evidence " before the House, confirmed by Mr. Purling, confirmed " by the revenue Secretary who examined the record; yet " the honourable gentleman, passing by these proofs that he " had himself moved for, says, you have it in evidence, that

"three or four years after Canto Babboo wanted to raise
"thirty thousand pounds a year from a Zemindary, for
"which we only paid ten thousand, and this is to be oppo-
"sed to the most full and complete evidence that could be
"brought forward! Mr. Hastings did not give the Zemin-
"dary to Canto Babboo; he merely passed the sunnud
"through the public office to complete a grant, which the
"man possessed before his return to India; yet the honour-
"able gentleman would have this House believe that Mr.
"Hastings had given his Banyan twenty thousand pounds
"a year, an assertion for which there is not a shadow of
"foundation."

The honourable gentleman has said much of the rights of Zemindars, and here he differs from every authority that I have seen. Let him look into the Reports of the Committee of Secrecy of 1773, he will there see that Mr. Becker, Mr. Alexander, and Mr. Verelst, three very old servants of the Company, were of a different opinion. The following are the words of the Committee, from all the information "they could obtain:

"Your Committee find, that all the lands of the provin-
"ces are considered as belonging to the Crown, or Sove-
"reign of the country, except such as are for religious or
"charitable purposes. Rents are paid in such proportions
"as is settled annually by the Dewan with the several Zemin-
"dars, farmers, or Collectors, who rent or hold such lands.

"The revenues are collected by having them set either to
"the Rajas or Zemindars, who are considered as having a
"sort of hereditary right, or at least a right of preference to
"the lease of the revenues to which they belong, or to other
"farmers, under the name of Izodars, and other appella-
"tions."

The Committee goes on, Sir, to state, what I have before said, "that if Government cannot get a Zemindar to come
"to their terms, the lands are let to a farmer, and this has
"been the constant practice of the country.

"I now come to the abolition of the Provincial Coun-
"cils, passing by all the intermediate events. Provincial
"Councils have been universally condemned. The honour-
"able gentleman condemned them as strongly as any man.
"Mr. Hastings, when he established them in 1773, or ra-
"ther when his Council did so, declared that they were to
"be temporary; but when the new Government took place,
"composed of gentlement ignorant of the language, and
"customs of the country, Mr. Hastings thought it the best
"establishment. When a change had taken place again,
"and when the revenues were generally declining through-
"out the country, Mr. Hastings established them, and

"formed

" formed a Committee of Revenue nearly on his plan of " 1773. And, Mr. St. John, as this seems to be the time " for every man to give his opinion as to the best mode of " collecting the revenues, I will run the hazard of being " taxed with presumption, and will venture to give you " mine, though it is in direct opposition to the opinions of " Lord Clive and Mr. Hastings, who both thought that no " Europeans should be employed in the interior parts of the " country. I think the establishment of the Committee of " Revenue was a most wise and salutary measure, and has " been attended with infinite advantages; but I think, that " instead of recalling all the Collectors, there should be one " to every district, producing ten lacks a year, and that " these gentlemen should have a per centage on their collec- " tions, sufficient to support them, and to afford a prospect " of a return to England in the course of twenty years, with " a proper competency. To every thing of this kind that " the honourable gentleman has said, I fully subscribe; but " he knows it is the opinion of Mr. Hastings, and that where " he could, he carried that opinion with great success and " practice; for instance, the Committee of Revenue and the " Salt-office. I assure the honourable gentleman that I have " the highest opinion of the integrity, as well as ability of " the civil servants of Bengal. I know it is their wish to see " all undue emoluments abolished; but he knows, and we " all know, that in the case of the late Provincial Councils, " when the salaries were barely sufficient to maintain them, " there were some emoluments that have never yet been ex- " plained. Without saying or insinuating any thing invidi- " ous, I affirm that the decline of the revenues was a suffi- " cient ground for abolishing the Provincial Councils; and " the actual increase of neat receipts since that measure took " place, proves the wisdom and the propriety of it. The " honourable gentleman has most unfairly indeed come to " issue with Mr. Hastings in this point of increase. He " takes the average neat receipts of the last nine years, and " proves from that, that there has been a decrease; but is " that the mode to state it? He takes in the five years set- " tlement of the Committee of Circuit, which he has re- " probated, because it was beyond the ability of the coun- " try, and then attempts to prove that the revenues are now " falling off; but if he will take the three last years of the " Provincial Councils, which is the true way to reason, he " will find there is a considerable increase of the landed re- " venue, independent of above half a million sterling a year " from salt, and this is the only ground upon which a can- " did man can state it.

" The honourable gentleman, after condemning the Com-
" mittee, has said that it is now abolished. Where did he " hear this? I deny the fact. I affirm that all Mr. Haf- " tings' regulations are at this instant in force, as he will " see by the last revenue letters from Bengal, now in my " hand. It is true that a member of the Board is now the " President, but that is the only alteration; and the Gover- " nor General and Council write, that they have given " them for their instruction the regulations of February " 1781, that is, precisely the regulations which were drawn " up by Mr. Hastings.

" The honourable gentleman had talked about the settle- " ment of Bahar, and the heavy balances that have accrued, " meaning to insinuate that the farming of that province " was a corrupt transaction on the part of Mr. Hastings. " Here again I can fortunately convict him of misrepresen- " tation, by papers moved for by himself, and now before " the House; for it appears that in the three succeeding " years the settlement of the Provincial Councils, more mo- " ney was collected in each year than under their manage- " ment, notwithstanding the heavy balances, and that the " Company in the three years settlement have received above " two hundred thousand pounds more than they would have " done, had the Provincial Council continued.

" After all, Mr. St. John, what are we contending about, " whether it is better or not to have Collectors in the pro- " vinces? Nobody doubts the propriety of abolishing the " Provincial Councils, or the wisdom of establishing a Com- " mittee of Revenue; but the doubt is, whether the reve- " nues can be best administered in the districts with or " without Collectors? I may be very wrong in presuming " to offer an opinion in this question, in opposition to Lord " Clive or Mr. Hastings; but admitting I am right, shall I " vote to impeach Mr. Hastings because we differ in opinion, " where his knowledge must be so superior to my own? I " have as good a right to offer an opinion upon this subject as " the honourable gentleman, because, though no Persian, I " can speak the language to the natives, which he could not " do.

" The honourable gentleman has said that Mr. Shore was " disgusted, and quitted the Committee, leaving the manage- " ment of the revenues to Mr. Crofts, or, in other words, " to Gunga Govend Sing. I deny the fact most confident- " ly. After Mr. Anderson had left Calcutta, Mr. Shore " and Mr. Hastings entirely managed the revenues, and with " what success I have proved from authentic documents. As " to Gunga Govend Sing, I know nothing of him myself, but " I have heard in Bengal that he was a very clever fellow; and

" I have

"I have heard he was a very great rascal. I cannot, however, help being struck by two circumstances which "are greatly in his favour, the one is, that at a solemn trial "before Sir Robert Chambers and the Judges, Gunga Govend Sing effectually cleared himself from a charge "brought against him, and brought his enemies to shame. "The other, that though Mr. William Cowper, the late "President of the Committee, is known to have been on "very bad terms with Mr. Hastings, he actually defended "this man, looking upon him as an injured man; and what "is still more extraordinary, though Mr. Stables was appointed President of that Committee, Gunga Govend Sing "still continues the Dewan, and possesses that office, as far as "I know, to this very hour; yet no one will say that he has "been protected since Mr. Hastings' departure, and therefore I pay little attention to any reports to his discredit. "So far from protecting Gunga Govend Sing, I can assure "the honourable gentleman that Mr. Hastings, Mr. Anderson, and Mr. Shore, had at one time determined to remove him, but they could not meet with another man under all the circumstances so able to succeed him.

"The honourable gentleman has told us, Mr. St. John, "that the revenues of Bengal are rapidly declining, and the "country in a dreadful state. I will not believe him. I "have authentic evidence of the contrary in my hand; the "last revenue letter from Bengal, which states in the plainest "terms the direct reverse. But as the honourable gentleman is a member of the Secret Committee, and has access "to all secret papers, I am unwilling, as a proprietor of India stock, that an alarm should go forth; I therefore refer "the Committee to that letter which states, that all the balances upon the last year's collections amount only to "eight lacks, eighty-six thousand rupees, of which the "Board deem nearly six recoverable, and they add, "that "so near a completion of the collection of the annual rental has not been the effect of any strain upon the country "at large, or on any part thereof, which is, we are convinced, "well enough able to bear its present assessments."

"Let this speak for the wisdom of Mr. Hastings' system. "I shall not trouble the Committee with any farther remarks upon the charge, which states matter of opinion in "general, and not matter of criminality."

Mr. Francis

Mr. *Francis* defended his former argument, and affirmed, that he had not uttered a syllable which he could not substantiate by proof: with regard to the money taken from Kelleram and Cullian Sing by way of Peshcush, Mr. Hastings had no right whatever to keep it to himself, because it was the property of the Company.

Mr.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* expressed himself rejoiced to discover that all his necessary observations upon the subject would lie within so limited a compass as not to require *him* to take up much of the time of the Committee; and in fact, he should only call their attention to one particular point, upon which alone he thought they could with any degree of propriety concur with the honourable gentleman in the motion which he had made; nor did he think, that even on that point the House would act consistently in voting the present charge, because it was included in another charge, to which the House had already assented.—This circumstance was the fact of Mr. Hastings' having received presents from Kelleram and Cullian Sing on the settlement made with the Zemindars, farmers, and collectors in 1781. The House therefore having voted a specific article on that head, he should by no means vote another merely on the same ground, and he was perfectly satisfied that there was no other foundation for a criminal charge against Mr. Hastings in the article which the honourable gentleman had opened, except that which he had now stated—the accepting of presents. Still, if it could be made appear that the charge, as it stood, would tend to throw any fresh or necessary light upon the receipt of the presents—would establish it more strongly in point of fact, or elucidate and prove the guilt of the transaction more forcibly—he should then be ready and willing to give the motion his hearty support. As to the other matters contained in the charge, and stated by the honourable gentleman, he either looked upon them as not criminal, or, if criminal, as not sufficiently proved, or capable of being substantiated at the bar of the other house. He should go through them all in the order in which they had been introduced by the honourable gentleman; and without entering into a detail of the several points upon which he should have occasion to touch, he would, as briefly as possible, state his reasons for not considering any of the facts charged in the article before the Committee, as of a nature to justify that House in taking them into the articles of impeachment, which might ultimately be resolved upon.

Mr. Pitt now discussed the nature of the charge, adverting to each separate article on which Mr. Francis had grounded his argument with respect to the corrupt or improvident management of the revenues of India, and the oppression which had been imputed to Mr. Hastings in the execution of that part of his office. In the first place he said, that although he agreed with the honourable gentleman in most of his general principles on the subject of the tenures of the Zemindars, yet he by no means concurred

with him in his opinion; that however reasonable and politic they might appear, they were so fully and clearly established in the practice of the Hindostan governments, as to make a particular departure from them so highly and so evidently criminal, as to justify that House in founding upon it an article of impeachment. However permanent the tenure, and however well established the hereditary descent of Zemindaries might have been in the more remote, and perhaps the more happy periods of the history of Hindostan; however politic it might be, for the purpose of population and cultivation, that they should remain in this predicament, yet he by no means considered it as a principle admitted and recognized, that they actually were so at this day, because they had in fact undergone many changes, and so far the contrary principle was in some measure established. —As the criminality of Mr. Hastings' conduct, in respect to his dispossessing the Zemindars, turned upon a question which concerned the tenures of those persons, and as that question was subject to a variety of opinions, and any inquiry into the subject would probably prove tedious, difficult, and uncertain in the extreme; nay, as it might be found absolutely endless and impracticable, he thought it by no means a judicious proceeding in that House to send up such matter; which, however of a questionable nature, was not yet likely to add to the weight, or to contribute to the success of their undertaking. With regard to the grants of farms to Canto Babboo (Mr. Hastings' Banyan) that circumstance had furnished the honourable gentleman with one of his chief topics of accusation against Mr. Hastings; but it by no means appeared to him in a criminal light: he highly approved of the orders of the Directors, that no Banyan or other dependant of a collector should be appointed to a farm—he also thought that the spirit of that regulation extended to persons in the situation of Canto Babboo, though certainly the letter of it did not include him; but still, even if it had been expressly forbidden, Mr. Hastings was not answerable for the appointment, because he had been in the situation of a farmer of revenues before the commencement of Mr. Hastings' government. The honourable gentleman had made it a matter of charge against Mr. Hastings, that some of the farms were of a larger value than was limited by the order of the Company to each farmer; that they exceeded one lack of rupees. But on this it was to be observed, that although the general order was to that effect, yet a certain degree of discretion must be left to the government of India on account of the difficulty and loss which, in many cases, it appeared would attend the dividing of lands. Besides, a latitude was expressly

presfly allowed in favour of persons of responsibility; and certainly to the responsibility of Canto Babboo, in point of pecuniary consideration, no objection could be made. Another circumstance attending this transaction had been described as criminal; and *this* was the abatement which, after the statement of two years, had been made in the payments of Canto Babboo, and which had been imputed to have been done with a corrupt intention in favour of Mr. Hastings' servant: but he considered that circumstance in a very different light; for it appeared that the abatement had been general throughout all the provinces, and it amounted to 2,500,000 which was about one tenth of the whole; whereas the abatement of Canto Babboo had been only of about one twelfth part, so that it was impossible to discover any thing like corruption or unfair partiality in the transaction. But at all events, although in general the making a very beneficial grant to a confidential servant might be considered as suspicious, yet there was no room for any such suspicion in the present case, because the grant to Canto Babboo was by no means a beneficial grant; on the contrary, he felt it expedient to resign it, finding it not so productive as he was entitled to expect. With respect to the grant of the Zemindary of Baharbund, the honourable gentleman behind him (Major Scott) had clearly shewn that it was not to be laid to Mr. Hastings' charge as a crime; for it was evident that the patent for that territory had been granted during Mr. Hastings' absence; and it appeared that Canto Babboo had given the highest rent for it which could be obtained or expected, and *that* at a fair public auction.

The Chancellor of the Exchequer next spoke of the various changes made by Mr. Hastings in the financial system; and he said, that though he should not attempt expressly to vindicate the variable and inconsistent disposition which might have given rise to the introduction of any changes, yet he must contend, from the unsettled state of those provinces and the uncommon difficulties of his situation at the time, that the mere fact of changing could by no means be looked upon as a crime, unless there were circumstances of corrupt and unfair motives apparent. The honourable gentleman had laid much blame to Mr. Hastings for ceasing to proceed at law against the members of the Committee of Circuit, as he had been ordered by the Directors; but the circumstance of that affair would fully justify him. The Company's advocate general (Sir John Day) had given it as his opinion, that it was a matter of great doubt, whether the Company would be able to recover at all, and if it did, it was precarious, whether any thing considerable could be obtained from the parties, particularly as the principal per-

son among them (Mr. Barwell) was out of the jurisdiction of the court of Bengal; and surely the opinion of the first law officer of the government was fully sufficient to warrant Mr. Hastings' conduct. But, exclusive of this circumstance, it was also to be observed, that Mr. Barwell had declared that he would abide by the judgement of the Directors themselves, and whatever they thought reasonable, he would on his return to England voluntarily refund. In such circumstances it was evidently more advisable to suspend the proceedings in India, and leave the matter to a less uncertain and tedious issue. As to the opinion of the Court of Directors on the subject of the deficiency of the revenues, he admitted, that comparing the last year of Mr. Hastings' administration with an average of the nine years preceding, was by no means a fair method, as had been fully shewn by the honourable gentleman (Major Scott); nor was the naked fact of such a deficiency, unless it could be proved to proceed from actual mismanagement, a sufficient ground for a criminal prosecution. But a circumstance had fallen from the honourable gentleman which, though not directly a part of the charge, was yet of the highest importance, and required an immediate answer; this was, his statement that the defalcation in the revenues of Bengal and the other provinces had been progressive and increasing since the period of Mr. Hastings' government. To this statement he must give a most decisive contradiction; for the fact was directly the reverse, and the revenues of those provinces were in a most flourishing and promising state, nor could he conceive where the honourable gentleman could have found documents which had the effect of imposing upon him so grossly as to induce him to venture on so unfounded an assertion. He confessed that he suspected many faults had been committed in that department, which he apprehended would be found highly deserving of punishment; but upon the whole, notwithstanding such faults, our revenues in India wore a most flattering aspect. He concluded by observing, that not seeing any thing criminal in the charge, except in that part of it which mentioned the receipt of presents, he could not give his assent to the motion, unless it should be explained to him, that some part of the charge had a tendency to establish and elucidate that particular misdemeanor in a better manner than could be done without it.

Mr. *Fox* remarked, that the right honourable gentleman, when arguing upon the subject of the inpeachment of Mr. Hastings, and had been so much in the habit of agreeing with him of late, that he would not suppose that any but the purest motive could induce him to differ at all in opinion from his honourable friend on the subject of the present Mr. Fox.

charge; but neverthelefs he could not fupprefs his extreme aftonifhment that the right honourable gentleman fhould lay out of the fcale of preponderating criminality that matter, which in his mind, above all others, weighed moft againft Mr. Haftings: the having at once feized upon all the lands, the undoubted property of the Zemindars, difpoffeffed them of their antient inheritance, and put their poffeffions up to auction. Such an action of tyranny was unexampled, he would venture to fay, in *any* government, at *any* period, under *any* circumftances. So broad, fo glaring, fo intolerable an act of violence ftruck him with fo deep an impreffion from the firft moment that he heard any thing of the charge, as the moft diftinguifhing feature, as that feature which muft flafh conviction upon the mind of every man who had a fpark of humanity in his breaft, a fingle feeling for fuffering individuals, that he had all along conceived that there would not have been a moment's hefitation in any one member of the Committee, but that the inftant the fact was ftated, the common feelings of all who heard it, would have rifen in unifon, and that they fhould have unanimoufly voted, that the charge contained matter of the deepeft guilt, the moft atrocious criminality. The right honourable gentleman had faid, his honourable friend had *affumed* the fact, that a Zemindar was the heritable proprietor of his lands. Surely his honourable friend had done a great deal more than affume it; he had proved it to the general conviction of the Committee, not proved it by fpecific proof indeed, but by accompanying his ftatement of the fact, with reafons and arguments naturally arifing from it; reafons and arguments undeniable in themfelves, and fuch as muft imprefs conviction that the Zemindar was the undoubted proprietor of his lands, and not a mere collector of the revenue. But fo ftrange and fo obnoxious to condemnation had been the conduct of Mr. Haftings in this particular, that, even granting for a moment that it was legal to refume the lands of a Zemindar, and put them up to auction, ftill he fhould contend, that the refuming all the lands of all the Zemindars at once, and putting them all up to auction, was an act of fuch unjuftifiable violence, fo fhameful an exercife of power, fo oppreffive a meafure, that the government that practifed it, could not but fall into difgrace in the eyes of all mankind, and that the individual, be his rank what it might, his ftation ever fo eminent, would in any country, and almoft under any form of government, be thought deferving of condign punifhment.

Mr. Fox faid, that even were the cold excufe of its being legal to refume the lands of a Zemindar, and that a Zemindar was no more than an officer of government, tenable, Mr.

Hastings, of all men, had no pretence to avail himself of such a plea, since he had, on more than one occasion, declared, in the most express and explicit terms, that he entertained a contrary opinion. Mr. Fox read part of a public letter from Mr. Hastings to the Directors, in which he, in direct and unequivocal language, stated his full conviction, "that "Zemindars were the proprietors, that they could not be "removed, and that the lands were their estates and their "inheritance." He declared that it was unnecessary for him to say any more than merely to take notice of the one point to which the right honourable gentleman agreed: that the accepting a present from Kelleram and Cullian Sing was highly criminal —He coincided fully with the right honourable gentleman in this particular, and stated his reasons for this similarity of sentiment. With regard to the rest of the facts alledged in the charge, he agreed with his honourable friend who had opened it. They were all features of the same countenance; indexes of the same mind. And if it could be proved that Mr. Hastings had changed the mode of collection of the revenues of Bengal, so many times within so few years, without any corrupt motive, but merely through the mutability of his mind, he should think that it was acting in a great and important situation with a degree of levity highly censureable, and that it ought to excite the indignation of that House. Mr. Fox resorted once more to the general confiscation of the Zemindar's property, which he again held up as an instance of the blackest tyranny, and as of itself sufficient not only to justify that House in moving an impeachment, but to render it a matter of disgrace to them if they did not support the motion. He perfectly agreed with the right honourable gentleman that it was wrong and impolitic to load a proceeding so serious as a parliamentary prosecution with light or frivolous matter, but he could not agree to hold an act of such violence in that light. Let the law therefore be with Mr. Hastings or against him, he would not consent to consider the turning a whole and distinguished race of people adrift as a mere venal error of judgement.

Mr. Chancellor *Pitt* read the paragraph from the letter referred to by Mr. Fox, which appeared to be a letter from the Governor and Council, and not from Mr. Hastings particularly; and he contended that so far from the Council recognizing the indefeasible right of possession and inheritance of the Zemindars, that every letter gave an account of some of their lands having been actually set up to auction. Mr. Chancellor Pitt.

M. *Boughton Rouse* said, that as he had been particularly called upon by the honourable gentleman who opened the debate, Mr Boughton Rouse.

bate, and he thought the question relating to the Zemindars had been rather overcharged in order to enhance the criminality of Mr. Hastings in letting their lands to farm, he did not chuse to let the business pass without submitting his opinions to the Committee. As to the Zemindars of Bengal, he declared that he then was, and always had been, a strenuous advocate for them; that he thought it would be good policy in Great Britain to consider them as hereditary landholders and proprietors, and to receive the revenues of Bengal through their agency, as the mode that would tend most to the quiet and happiness of the natives, and prosperity of the country. But with regard to the origin of the Zemindars, he said he had always entertained doubts, which he had upon a former occasion communicated to the honourable gentleman himself, whether they were in their constitution hereditary, although they had certainly become so by the usage of Bengal:—that the word itself (being Persian) was certainly of modern introduction, and therefore could not be known to the ancient law books of the Hindoos. He said there was an official jurisdiction vested in the Zemindars by royal patent, the first commencement of which he thought might be within a hundred years. This Zemindary he conceived to have been originally instituted by the mogul government, for securing the revenue, and preserving the policy of the country; and to have been conferred at the free will of the prince, or superadded to the previous right of possession, until, by successive confirmations in the same family, it has grown to be regarded as a general descriptive term for an hereditary tenure of land. He had always considered the letting their lands to strangers upon a lease of five years to be an impolitic and pernicious measure in the Bengal administration. Nevertheless, he could not see the propriety of charging Mr. Hastings with gross criminality in the transaction, unless there were circumstances coupled with it, that could shew him to have acted from corrupt motives. Mr. Rouse did not admit, that the revenue of a Zemindar could strictly be stated to be an unalterable revenue; and agreed, that every sovereign power must possess the right, to be exercised or not as policy may direct, of ascertaining the actual value of the land within its dominion, and determining the rate of revenue which it shall pay to the state. What was now the standard rate of that assessment in Bengal, or whether there was any universal standard, he had never been able to learn either from books or inquiry. But he understood, that in the province of Bahar the known and established profit or claim of the Zemindar was to one tenth only of the produce. Mr. Hastings and his council entertained an opinion, that government had a right to the full produce of the lands, upon allowing a com-

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pensation to the Zemindars, and openly acted upon it. His predecessors had done so before him—the districts of Burdwan and Kistagar had been let in farm, and measures had been taken to ascertain the gross produce of all the lands of Bengal; yet no charge had been laid against the humanity or integrity of Mr. Verelst, the governor who authorized these proceedings. He repeated his declaration, that he thought the measures pursued by the committee of circuit had been wrong in principle, and fallacious in their effect; but he could not see reasons to pronounce Mr. Hastings criminal, for having acted upon this or that system, in a matter, upon which undoubtedly two opinions prevailed. Mr. Hastings' recal of the provincial councils was certainly a measure taken without authority; but the delegation of a part of the power of the Governor General and Council to a controlling committee at the presidency, he conceived not to be either illegal or impolitic. A similar plan had been pursued at Madras, by Lord Macartney, with great success, and much to the honour of the gentlemen employed upon that duty; and in his opinion the reduced number of the Supreme Council, and multiplied duties of their office, render it necessary to continue that mode of administering the Bengal revenues. Upon the whole, Mr. Rouse was against the motion.

Mr. Burke.

Mr. *Burke* remarked, that he had heard of a man who intended to teach the art of memory, and boasted of his faculty to a Sage, when the Sage had desired him to try to teach him the art of oblivion. After what he had heard, such an exercise of art must operate most effectually upon him, before there could be wiped from the tablets of his memory those traces of information respecting the manners and customs of India, which he had drawn from the sources of the honourable and learned gentleman, learned, undoubtedly in the history of the affairs of India, who had spoken last. He had lately, as a member of the Committee, had his memory refreshed by a reference to the records of that information, which the honourable gentleman had communicated to the Select Committee, of which he had then the honour to be a member, so much to their advantage, and among the records to which he had alluded, there was to be found a very different account of the Zemindars, from that just given by the honourable gentleman. Mr. Burke read, from one of the volumes furnished to the House by the Committee, the examination and answers of William Boughton Rouse, Esq. on the subject of the nature of that description of Hindoos called Zemindars. After accompanying the information which this extract afforded with some compliments to Mr. Rouse, as an authority not to be lightly disputed, and as a gentleman who had originally established the doctrine

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contended for in the preſent moment. Mr. Burke ſaid that he ſhould do away all doubt of what he had conceived to be, the corrupt motives of Mr. Haſtings, and then read an allegorical application made by Mr. George Bright, a member of Council, to Mr. Haſtings, deſiring to be ſent down to Rohilcund or any other place, as a collector of revenue. Mr. Bright declared, in his letter, that he heard there was much game there, that he was a great lover of the ſport, and that as he knew the Governor General loved game, and would not diſcourage his poaching as he knew he would take care to give as good an account of it as any black ſportſman in Hindoſtan. The meaning of the allegory (Mr. Burke remarked) was groſsly obvious, and it followed that Mr. Haſtings conſidered it as an inſult, and diſplaced Mr. Bright. He reaſoned upon this letter and its conſequences, and ſaid, that upon the firſt hearing of the tranſaction a common man would imagine Mr. Haſtings had never received the bribe, which Mr. Bright, in the former part of his letter, inſinuated that he had taken; but the fact was, although he puniſhed Mr. Bright, and turned him out to wander like a vagabond on the face of the earth, he had actually accepted the bribe in queſtion.

Mr. Barwell

Mr. *Barwell* obſerved, that as the right honourable gentleman (Mr. Burke) had introduced his name in the courſe of his ſpeech, he could not avoid expreſſing an earneſt deſire that if there was any charge againſt him which he had not anſwered, it might be urged; and he would meet the accuſation in that Houſe, or any where elſe in the moſt explicit manner. Mr. Barwell ſpoke of the Zemindars, and their rank and eſtimation in India as it was ſettled in 1757, and repeated his wiſh to hear of what he was accuſed, if any man had an allegation to urge againſt him.

Mr. Burke.

Mr. *Burke* anſwered, that he did not mean to bring forward a charge againſt the honourable gentleman, as his hands were ſufficiently full already; but if the honourable gentleman was really anxious to be accuſed, he would when at full leiſure, apply himſelf to the ſubject, for if he were compelled to ſpeak the truth, he muſt ſay that he did not think the whole of the honourable gentleman's conduct unobjectionable, while the honourable gentleman had been in India.

Mr. Barwell

Mr. *Barwell* repeated his deſire, that if any gentleman had any thing to urge againſt him, he would publicly ſtate it. He ſaid, he had entered into no contract with the government of India whatever. Thoſe who knew India better than the right honourable gentleman, did not conſider his ſalt-farm as contracted for with Government either corruptly, or in any ſenſe objectionably.

At length the question was put, and the House divided, Ayes 71, — Noes 55.

The House adjourned.

*Friday 20th April.*

The Master of the Rolls
The *Master of the Rolls* moved the order of the day for the re commitment of the bill to prevent vexatious suits in the ecclesiastical courts. Lord Newhaven took his seat at the table, when

The Master of the Rools proposed, that the blank for the day after which prosecutions in the ecclesiastical courts should not be commenced, be filled with the words "two years." Two years were allowed in the courts of common law for persons to bring their actions in cases of slander, and he saw no reason why the same should not be granted to prosecutors for defamation in the ecclesiastical court.

Mr. Bastard.
Mr. *Bastard* observed, that if it were possible for him to gain the accomplishment of his wishes, he should have the pleasure of discovering, that instead of persons being allowed six months (as the blank stood filled up by the former Committee) to institute their prosecutions in the ecclesiastical courts for defamation, the power of prosecuting in that court for defamation would sink into a total oblivion, because no person unjustly prosecuted in that court could obtain any remedy. Neither was there any punishment: for, what was doing penance? It was merely going to church in a masquerade dress, which not one in ten cared at all about. In the ecclesiastical court truth was changed to falsehood, and falsehood to truth: for if a person rightly and justly called a woman what perhaps she was, that person was to do penance, if he would not consent to tell a lie, and unsay the accusation; if on the other hand, he had falsly accused a woman, and she ought to have the recompense of putting him to shame, he had nothing to do but to tell the truth, say she was an honest woman, and escape disgrace. All prosecutions in the ecclesiastical courts were malicious, and therefore a process of that vexatious sort ought to be put an end to. But a right honourable and learned gentleman (the Master of the Rolls) had changed his ground since he had last spoken on the subject. Mr. Bastard reminded the House of the scrutiny a year or two before, and said, he did not recollect that the House thought it derived much useful instruction from the right honourable and learned gentleman who gave them his advice on that occasion. He declared, unless he could be satisfied, that what he had stated as to a person unjustly prosecuted in the ecclesiastical court, having no remedy against his malicious prosecutor was ill-founded, he should persist in the words "six 'months" standing part of the bill.

The Master of the Rolls The *Master of the Rolls* begged leave to observe, that when he had first moved for the recommitment of the bill, he had proceeded with perfect civility to the honourable gentleman, nor had he, now, changed his ground, or said any thing to provoke, but as the honourable gentleman thought proper to resist this motion, he should think it necessary to repeat what he had before uttered. Sir Llyod then repeated his argument, that there were instances of defamation more wounding to an honourable and feeling mind, than the vilest slander. If a man of the first and most respectable character were charged by a foul tongue, with having committed incest with his daughter or sister, he had no remedy but in the ecclesiastical court, and would any man say such an injury ought to exist in possibility without a remedy? Sir Lloyd stated other arguments in favour of the ecclesiastical court, and said, as two years were allowed for persons to bring their actions at common law in cases of slander, he thought that common justice required the same time should be allowed prosecutors in the ecclesiastical court.

Mr J Scott Mr. *John Scott* contended that the accusations against the ecclesiastical court, were phantoms of the brain, mere children of the imagination. The court was an ancient, and, in many respects, an useful establishment. He saw, therefore no reason to abolish it, unless some good ground could be stated as a just motive for such a procedure From the argument of the honourable gentleman, he should have imagined that so far from meaning to complain of the extravagant powers of the ecclesiastical court, he intended to have strengthened them and rendered them more effectual. The distinctions taken between defamation and scandal by lawyers were enough to draw the profession into contempt.—The very first law book he had taken down, that day, to look at the actionable cases furnished him with instances of the decisions of grave and sage judges, enough to make lawyers ashamed of themselves. He would read them to the House. Mr. Scott then produced a paper, from whence he read several very extraordinary cases. One was a case of a man's saying that another man had been guilty of murder, that was deemed actionable, because murder, that he charged him with, was a felony; but if he had only said, that he cut his head down with a cleaver, so that one cheek lay on one shoulder and the other on the other, that was not actionable, there being no imputation of felony. Again, if a man said another stole privately, it was actionable, but, if he only said he stole by the way side, it was not so, because a man might take an apple or a stick, neither of which were a felonious taking. Another case: if a person said a woman had the French disease, it was actionable, because it conveyed a meaning of an injurious tendency, but if a per-

a person said of a woman that she had lately had the French disease, it was not actionable, because it implied that she had it not at the time, but was cured. Again, by a peculiar locality of law, if a man called a woman a whore in London or Southwark, it was actionable, but not if he called a woman a whore any where else. If a man in Yorkshire said, a man had strained a mare, it was actionable, though not so in any other county, as if the words, "straining a mare," carried a different import in Yorkshire to what it did in any other county. Numberless other precedents of decision had been pronounced by the wisdom of our judges, equally singular, and equally ludicrous; but, Mr. Scott said, he wished to draw the serious attention of the House to the bad consequences of abolishing or limiting the powers of the ecclesiastical court. He put a case on the supposition that a young lady, on the eve almost of marriage to a good and honourable man, was to be so far slandered as to have it reported that she was big with a bastard, the consequence might be, the match would break off, and the young lady could never hope to have another offer, nay she must even shut herself up and never shew her face again! In that case, was there a jury in the kingdom who would hesitate to give large damages? Look at the other side of the question, and suppose the same slander said of a young woman not on the eve of marriage. In that case no action would lie, and yet the woman's character and hopes of marriage were blasted and gone for ever. With regard to the period of limiting the bringing of the suit, Mr. Scott said, he should propose a twelvemonth, and that because upon inquiry he found it to be the time already established in the court.

Mr. *Rolle* supported the bill, and complained that the honourable and learned gentlemen had waited till almost the last moment before they made any opposition. Many instances of the abuse of the power of the ecclesiastical court were stated, when the motion had been first made for leave to bring in a bill. Mr. Rolle.

The *Attorney General* having observed, that unfortunately no gentleman belonging to the ecclesiastical court, at present, enjoyed a seat within the House, added, that in point of civility and respect, it behoved all those who belonged to the same profession as himself, to stand up and defend a court of law, though of a very different constitution and nature from those with which he was connected. Mr. Attorney put some cases, and argued upon them as proofs of the necessity of continuing the existence of the ecclesiastical court. With regard to there being no remedy to a person wrongly accused, what remedy was there in the case of an assault, charged against any man? As to penance, it was a degree The Attorney General.

of ſhame and infamy, ſufficient to deter thoſe inclined to be buſy with their neighbours fame, to keep a guard upon their ſpeech.

Mr. Fox. Mr. *Fox* ſaid, that he could not avoid obſerving with aſtoniſhment, that the honourable and learned gentleman had really put the matter upon a very handſome footing. It was therefore, he underſtood, merely becauſe there happened not to be any civilian a member of that Houſe, that he was ſo anxious to ſupport the eccleſiaſtical court. In their extreme ardour for the honour of the lawyers of the eccleſiaſtical courts, he and his honourable and learned brethren ſeemed entirely to have loſt ſight of the honour of their own; for a more degrading attack on the learned profeſſion he had ſcarcely ever heard, at any former period. The honourable gentleman who moved the bill, had more than once called upon the honourable and learned gentleman to reply to the objections he made to the eccleſiaſtical courts, and amidſt all their arguments, not one ſyllable had been offered like an anſwer.

Mr. Courtenay. Mr. *Courtenay* ſaid, that he could not account for the extreme civility of the honourable and learned gentlemen. They ſeemed, for a time, to have given up the law of England out of complaiſance to the eccleſiaſtical courts. The higheſt reverence was due to the law of England. Lord Coke declared, when he was firſt made a brother of the coif, that a ſerjeant's cap had four typical corners to it, the one the ſymbol of experience, another of obſervation, a third of wiſdom, and a fourth of commemoration. Mr. Courtenay attempted to account for the gentlemen of the long robe letting the law of England fall to ſupport the law of the eccleſiaſtical courts, and ſaid, he ſuppoſed ſhe was more ſwelling, and had more of the *cork rump* than the other. He agreed with the learned and honourable gentleman oppoſite to him, who had talked about inceſt; he coincided in opinion that it would be extremely wrong to deſtroy the whole of the eccleſiaſtical law, and therefore he thought it would be wiſe and ſalutary to let it remain an expreſs part of the eccleſiaſtical law, that *no man ſhould marry his grandmother.* The honourable and learned gentleman had ſpoken ſo warmly in favour of ſuits for defamation in the eccleſiaſtical courts, that he ſhould not be ſurprized if the honourable and learned gentlemen were to proſecute one another in the eccleſiaſtical court for defamation againſt the law of England. Though no lawyer himſelf, he could not but feel ſome mortification at ſuch a deſcription of the principles and the practice of the profeſſion; the ſubtile diſtinctions, which had been aſcribed to the ſage expounders of the law, were worthy only of Duns Scotus and Thomas Aquinas. For his part, he ſhould

vote

vote for the "six months," though he had rather the ecclesiastical court was entirely abolished, not, indeed, that he felt himself unwilling to let those courts have cognizance of adultery and fornication, which the priests had always arrogated to themselves, and of which perhaps they were so competent to judge, from their frequent practice. Six months appeared, in his opinion, quite sufficient to enable them to investigate all charges of scandal; nor did he see how any longer time could be required to give an account of words uttered, unless in Iceland, where the breath may be frozen in November, and not thawed again before the July following.

The *Master of the Rolls* observed, that a question of so grave and serious a nature was not to be lost sight of amidst wanton jests, and ludicrous endeavours to make laughter take the place of sober sense and solid reason. It was necessary for gentlemen to know something of the law as it stood, before they ventured to alter it. Legislating was a task, to which he by no means thought himself equal, nor would he presume to blurt out his crude ideas of legislation there, lest they should fail of success. The Master of the Rolls.

Mr. *Bastard* declared, that he well understood what was meant by the charge of blurting out crude ideas, and the necessity of a man's knowing something of the law as it stood before he attempted to alter it, but he begged the House to remember, that the bill was their own. They had passed it before, and therefore they were answerable for it. He once more called upon the gentlemen of the law to answer his question as to a prosecution for defamation being always a malicious prosecution; and with regard to the ecclesiastical courts blending truth and falsehood, so that the one took the place of the other. Mr. Bastard said, that he highly approved of the bill suggested by a learned and honourable gentleman, (Mr. Scott) and if he would assist him with carrying through the bill in question, he would bring in the other bill under his guidance and instruction. Mr Bastard.

Sir *James Johnstone* condemned the ecclesiastical courts, and all courts, but courts where a trial by jury prevailed. As to the honourable and learned gentlemen, they had, Sir James said, attacked the judges, and not the lawyers; but if they made free with the latter, who had a greater right than gentlemen of the same profession? Sir James Johnstone.

Mr. *Bearcroft* expressed his earnest wishes for a conclusion of the debate, since it appeared to him that they were contending for nothing. What was six months, when the honourable gentleman (the author of the bill) said, that there was no punishment in the ecclesiastical courts. What did it signify then, whether it was six or twelve months before any Mr Bearcroft.

person was prosecuted in a court in which he could not be punished? As doing penance was declared to be nothing more than going to a masquerade, he supposed the sheet was to be considered as a domino. To borrow a joke, therefore, from a good old jester, Rabelais, *Beati sunt, qui moriuntur in domino*. Mr. Bearcroft said, the members of his profession might as well leave it to others to find fault, and point out their foibles. With regard to their standing up for the ecclesiastical courts, in that it must be acknowledged, that they acted disinterestedly at least, for those were courts in which not one of them ever practised. Some sharp observations had been made upon his profession; but they gave him no concern whatever: for it was an old saying, that the "cursed "fox *thrives*."

Mr. Courtenay. Mr. *Courtenay* said, that he could not avoid taking notice of the grave face with which an honourable and learned gentleman (the Master of the Rolls) had administered reproof to him, but he denied that he had deserved it. The honourable and learned gentleman had not treated the subject with less levity than that to which himself proceeded; and, in fact, not one of the professors of the long robe, who opposed the bill, had offered a single argument in answer to what had been alledged by the author of it (Mr. Bastard). This honourable gentleman had stated all the hardships of information in the ecclesiastical courts, by which the accused person is obliged either to retract his words, whether true or false, or else to do penance. Thus they were sure to have him either way. He must either have told a lie at first, or they will oblige him to tell one afterwards, under pain of being exhibited as a guilty person. Mr. Courtenay declared, that he had been perfectly serious in his former argument, and quoted Blackstone as an authority for what he said concerning the law of England. He expressed his surprise that the learned and honourable gentleman who spoke last should have said, that the *cursed fox thrives*. Why the *fox*? Did the honourable and learned gentleman compare himself to that animal, because, *like a lawyer, the fox seizes upon a goose, runs away with the carcase, and leaves the feathers to his clients?*

Sir Wm. Dolben. Sir *William Dolben* spoke against the bill, and in favour of the twelvemonth being allowed, after which the Committee divided, when the numbers were,

Ayes (that the words "six months," stand part of the bill) 91—Noes 57.

Mr. Alder. Newnham. Mr. Alderman *Newnham* begged leave to put a question to a right honourable gentleman (the Chancellor of the Exchequer) which materially concerned the finances of his Royal Highness the Prince of Wales, and desired to assure him, that it did not arise from personal curiosity on his

part, but that he intended upon what might probably be his answer to ground a parliamentary proceeding. It was, whether it was the design of His Majesty's Ministers, and particularly of the right honourable gentleman, to bring forward any proposition to rescue the Prince of Wales from his present very embarrassed and distressed situation; for though he sincerely thought that his conduct, during his difficulties, had reflected greater honour and glory on his character than the most splendid diadem in Europe had upon the wearer of it, yet it must be very disagreeable to his Royal Highness to be deprived of those comforts and enjoyments, which so properly belonged to his high rank! The Alderman said, he was sure to have him longer left in this situation would be an indelible disgrace, and must alight upon the country, if the situation and income of this exalted personage were any longer to remain so meanly circumscribed.

Mr. Chancellor *Pitt* answered, that as it was not his duty to bring forward a subject of such a nature as that suggested by the honourable gentleman, except at the command of His Majesty—it was not necessary for him to say more in reply to the question, than he had formerly done on a similar occasion---he had not been honoured with such a command. Mr. Chancellor Pitt.

Mr. Alderman *Newnham* then gave notice, that he should on Friday the 4th day of May, bring forward a motion for the consideration of the House respecting his Royal Highness the Prince of Wales. Mr. Ald. Newnham.

The order of the day for the House to resolve itself into a Committee of Ways and Means having been moved and read, the Speaker left the chair, and Mr. Gilbert took his seat at the table.

Mr. Chancellor *Pitt* remarked, that it was with no small degree of pleasure, that he assured the House, that he should not lie under the obligation of trespassing for a very great length of time upon their patience, whilst he submitted to their consideration some necessary particulars. It was a matter of much satisfaction to him, and he doubted not but that the House would rejoice to hear, that he had such an account to lay before them of the state of our finances as would shew that the promising picture which he had on former occasions described to them, was by no means flattering or exaggerated. The services of the current year would be discovered to be amply provided for, although it had not yet been found practicable to reduce many of our most expensive departments to the level of what might have been expected, and what a Select Committee in the course of the preceding session had described a proper permanent peace establishment. At the same time, the plan for the diminution of the national debt had been strictly adhered to, and the several quarterly payments Mr. Chancellor Pitt.

ments of 250,000 l. for that purpose had been regularly made good. Mr. Pitt then went through the several articles of supply which had already been voted, and those which remained to be voted, stating first, that there had been voted

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| For 18,000 seamen - - | £. 936,000 |
| For the ordinary of the navy - | 700,000 |
| For the extraordinary - - | 650,000 |
| The whole of the navy service - | £. 2,286,000 |

This was considerably more than the estimate formed by the Committee of finances during the last year, which was 1,800,000 l. so that in this establishment there was an excess of 486,000 l. beyond what might be expected as the permanent expence of it in future times of peace.

| | £. |
|---|---|
| For the army had been voted - | 1,411,069 |
| For the army extraordinaries, as staff, guards, garrisons, &c. &c. - - | 420,000 |
| | £. 1,831,069 |
| The permanent peace establishment of this service had been estimated by the Committee at - - - - - - | 1,600,000 |
| So that in this there was an excess of | 231,069 |

Under this head had also been added a sum of about 50,000 l. for victualling the Loyalists in their new settlements in Nova Scotia.

The ordnance had been voted at 328,557 l. which was rather short of the estimate made on that branch of the service by the Committee.

The amount of miscellaneous services was about 328,000 l. and other particular services of a miscellaneous nature, though not usually classed under that head, as for making roads in Scotland, improvements of a similar nature in Nova Scotia, the British Museum, &c. amounted to about 96,000. There was another head of supply, which, for the last time, it would be necessary to vote this year, and this was to make good the deficiencies in the several appropriated funds. Having stated the nature of those deficiencies, and how they arose out of the old system of appropriations, under which each particular tax or object of revenue being appropriated to the payment of one or more particular annuities, was estimated at a fixed sum adequate to those annuities, and having remarked that if the fund arising from that tax did not amount to the sum at which it was estimated, the deficiency

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was ſupplied out of the Sinking Fund, which was compoſed of the redundance of other appropriated funds, and was a counter ſecurity for them all. Mr. Pitt added, that ſuch an article of ſupply would never be brought before that Houſe again, after the bill, now under the conſideration of the Lords, for the conſolidation of the Cuſtoms, ſhould be paſſed; for by that bill all ſuch appropriations were to be aboliſhed, and the whole maſs of the Revenue thrown into one general fund. He mentioned particularly the ſeveral branches of the revenue in which thoſe deficiencies had ariſen, and the general amount of them, which, including the other articles of ſupply, amounted to the ſum of 6,676,000 l. Mr. Pitt next proceeded to ſtate what the ways and means were out of which this ſum was to be furniſhed. Under this head he enumerated the land and malt tax, which he eſtimated at 2,750,000 l. the ſurplus of the Sinking Fund up to the 5th of April 1787, amounting to 1,226,000 l. a payment to be made by the Eaſt India Company, which he ſtated as ſomething ſhort of 400,000 l. A part of the balances due on army accounts and impreſt money made another item in the calculation, which he ſtated at the amount of 240,000 l. Of this 60,000 l. had been already actually received, and of the remainder a conſiderable part had been admitted by the Accountants themſelves; ſo that it was more likely to turn out to be a narrow than an exaggerated ſtatement. The whole of the money aſcertained to be due and payable on this ſcore was about 380,000 l. which, together with the 60,000 l. already received, would amount to the ſum he had ſtated 240,000 l. Some increaſe of revenue would neceſſarily ariſe from the operation of the conſolidation act, which, together with the duty to be paid upon the article of cambrics, which was now to be legalized, but which had hitherto been monopolized by the ſmuggler, he ſhould ſet down at 100,000 l. There had, he obſerved, been an uncommon falling off in the receipts of the Cuſtoms for the laſt year, which was a circumſtance that could eaſily be accounted for upon ſuch principles as would clearly ſhow that it was not to be feared that ſuch a defalcation would be permanent; but, on the contrary, it was fair to conclude, that, ſo far from continuing at the ſtandard of the laſt year, our revenue of Cuſtoms would experience an uncommon ſpring in the current year, even greater than it could be expected would be laſting. One cauſe of this falling off was the uncommon badneſs of the laſt ſeaſon in the Weſt Indies, which had materially reduced the importation of our colony produce, in ſo much, that, in the ſingle article of ſugar, there was a deficiency of 350,000 l. Added to this, it was to be conſidered what a general ſuſpenſion of commercial ſpeculation muſt have followed from the

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pending ſtate of ſo many treaties of commerce with foreign nations. Such a circumſtance muſt neceſſarily have given a temporary check to importation, becauſe, until there was ſome certainty as to the event and tendency of thoſe negociations and treaties, all foreign trade muſt have been expoſed to a degree of riſk and danger. But thoſe two circumſtances no longer continued to operate; for the preſent ſeaſon in the Weſt Indies promiſed to be the moſt productive of any which we had almoſt ever known, which would of courſe occaſion an increaſed importation, and our foreign commerce being no longer obſtructed by the unſettled ſtate of our intercourſe with other nations, and many new and extenſive markets being opened for it, would neceſſarily return again with that ſpring and elaſticity which always ſucceed reſtraint. Mr. Pitt remarked, that large ſums had been received into the Exchequer, on account of ſeveral appropriated funds; the annuities charged upon which were not payable until the end of the half year, and of courſe, as all appropriations were to be aboliſhed by the new arrangement, and the ſeveral charges upon them to be referred to the general fund in which the whole revenue was to be conſolidated, there could, after the conſolidation bill ſhould have paſſed, be no objection to applying thoſe ſums to the immediate calls of the State, referring the payment of the annuities, with which they were now charged, to the receipts of the general fund. The whole of theſe reſources taken together amounted to 6,767,000 l. from which, deducting 6,676,000l. the expence of the ſervice of the year, there remained a ſurplus of 91,000l.

There was beſides another article, which it was uſual to ſtate on each ſide of the account, both as an article of ſupply and as an article of ways and means. This was the article of Exchequer bills, of which there were 5,000,000 l. yet theſe were in general annually renewed; but it was intended to alter the uſual mode of renewing them, with reſpect to a part of thoſe which the Bank held. The whole amount of thoſe which were in the hands of that Company was 2,000,000 l. of which it was propoſed to make 500,000 l. on a new plan, ſuch as ſhould be convertible into caſh in any week, or on any day of the year; and this was by making them to bear an intereſt of two one-half *per* pound *per diem*, which was at the rate of between three one-half and three one-fourth *per cent. per annum.* The remaining 1,500,000 l. in the hands of the Bank, together with ſuch other Exchequer bills as were holden by other Proprietors, to continue on the old footing, and bear an annual intereſt of three one-half *per cent.*

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He should not dwell much, he said, upon the regulations already adopted for the prevention of smuggling, nor of those which had been applied to the frauds in the article of wine, or in the home distillery, all of which he expected would turn out highly beneficial and salutary; nor would he take into the present account the probable amount of the additional licenses for retailing of spirits, that being a measure more calculated partly for the purpose of compensating and obviating the reduction, which was to take place in the duty on spirits, and partly to restrain a too great consumption of that commodity, than with a view to revenue. On the present occasion, he could not, with propriety, make any motion concerning this last article, the consolidation bill, out of which it rose, being not yet passed, nor could he include the sums of money which he had stated to have been received into the Exchequer on account of appropriated funds; because it would be irregular to violate the appropriation, before a proper substitute had been established and completed. He then moved, "that the sum of 1,220,000l. be granted "to His Majesty out of the Sinking Fund, towards the supply of the present year."

Mr. Sheridan.

Mr. *Sheridan* begged leave to remind the right honourable gentleman that he had not fulfilled his promise, to give such an account of the finances as should afford perfect and complete satisfaction to the Committee; but he had certainly fulfilled his promise of brevity: for he had been so extremely concise, that though he (Mr. Pitt) who was acquainted with all the grounds and circumstances to which the facts and figures which he had stated referred, could talk with familiarity and ease upon the subject without any farther explanation than that he had thought proper to give it, yet such brevity was rather an awkward circumstance to him and those, who, like him, were to answer and speak after the right honourable gentleman. Mr. Sheridan said that he thought the air of triumph assumed by the right honourable gentleman sat but awkwardly upon him, at a moment when he should have conceived another sort of demeanor would have better become the humiliating and mortifying situation in which he ought perhaps to feel himself when obliged to come forward and state the finances of the kingdom to be in so very different a condition from that in which the Committee had last year been so confidentially assured they would prove to be in 1787. The right honourable gentleman, and those who sat near him, would please to recollect the statement contained in the Report of the Revenue Committee, which Report he held in his hand, and the manner in which it was contradicted when he advised them not to be too sanguine in their expectations, that because the year's receipt

ending January 5, 1786, amounted to 15,397,471 l. the year ending January 5, 1787, would turn out equally. He had, again and again, argued the fallacy of making out an account in such a way; but what he said upon the subject had been rejected with a sort of unbecoming scorn. What he predicted had however proved true; for now, instead of the flattering prospect which the right honourable gentleman held out of our income equalling our expence, it was evident that the receipt of the last year fell 900,000 l. short of the receipt of the year, ending January 5, 1786. On this assertion Mr. Sheridan grounded his reasoning in order to impress the Committee, with the idea that Ministers entertained a much more sanguine opinion of the state of our finances than their real situation warranted. He warned the Committee, therefore, against giving way to a delusion which might lull them into a dangerous inattention to the national circumstances, declaring that it was much more manly in Ministers to state the real situation of the country, to look it in the face, and, if more taxes were really necessary, to lay them on, burdened as the people were already. Mr Sheridan animadverted upon the budget just opened, and said, admitting that the right honourable gentleman was correct in every one of his statements, still it was evident that there was a deficiency of 900,000 l. compared to the amount of the total of the preceding year's ways and means. He declared his concern to hear the East-India Company mentioned as a source of the right honourable gentleman's expectations, and that to so large an amount as 350,000 l. That circumstance alone was sufficient to fill his mind with great doubt and suspicion of the soundness of all the various expectations which the right honourable gentleman had that day stated to the Committee.

Mr. Grenville. Mr. *Grenville* observed that he felt it more than difficult to refrain from silence whilst he heard the honourable gentleman repeating arguments which had already been answered and refuted. For his own part, he should not hesitate positively to declare that there was no fallacy in the Report of the Revenue Committee, nor any delusion either in making up the abstract table of receipt and expenditure, nor in the observations which the Report contained. Mr. Grenville read the following extract:

"But before they enter on the first part of their Report, "they think it necessary to premise, that they have confined "their examination to the present state of the Revenue, as it "appears either from the amount actually received in the "periods contained in the papers referred to them, or from "the best estimates which they could form of the produce of "such articles as had not been brought to account in those

"periods,

" periods, but compose nevertheless a part of the present in-
" come of the Public. The large amount of taxes imposed
" since the commencement of the late war, in addition to the
" then subsisting Revenue, the difficulties under which the
" different branches of our commerce laboured during the
" continuance of that war; and the great and increasing
" prevalence of smuggling previous to the measures recently
" adopted for its suppression, appeared to your Committee
" to render any averages of the amount of the Revenue in
" former periods in a great degree inapplicable to the present
" situation of the country; on the other hand, they did not
" think themselves competent to discuss the various contin-
" gencies which may in future operate to the increase or di-
" minution of the public income. A Revenue so complica-
" ted in its nature, and depending so much on the various
" branches of an extensive commerce, must always be liable
" to temporary fluctuations, even although no circumstances
" should arise to occasion any permanent alteration in its
" produce. Your Committee have therefore judged it pro-
" per to submit to the judgement of the House this extensive
" consideration, and to state in this Report the present
" amount of the public income, as resulting from the papers
" before them."

Mr. Grenville begged pardon for having read so long an extract, from a Report of which that House had heard so much; but was there a man of common candour, who, after having heard the paragraph distinctly, could agree with the honourable gentleman, or believe that the Committee either had asserted, or meant to assert, that the receipt of the year, ending January 5, 1787, would at all events equal the receipt of the year ending January 5, 1786? So far from it, that the words of the paragraph spoke expresly of the " temporary fluctuations to which a revenue so complicated in its " nature, and depending so much on the various branches of " an extensive commerce, must always be liable." Mr. Grenville denied, in the most direct terms, that there was any delusion contained in any part of the Report, and said, he had the last session the honour to battle the contents of it with the honourable gentleman, and if the honourable gentleman was not yet satisfied, was ready at any time, if the honourable gentleman thought proper to go into the discussion of it, word by word, and article by article. Mr. Grenville explained the manner in which of necessity the abstract table of receipt had been made out, and declared, that as to deluding that House, he agreed most heartily, that the Minister who should attempt to delude the House on a subject of so much importance, would deserve every possible censure; but at the same time he must maintain, that the con-

verse of the proposition was equally true. Ministers undoubtedly ought not to deceive that House with a fallacious or too sanguine and flattering an account of the national situation; neither ought any man, fond of gloomy ideas, to hold up a desponding picture of our finances, and endeavour to impress the House with a melancholy prospect at a time when there was so much reason to feel satisfied, as, notwithstanding all the struggles this country had so lately undergone, there was at present. Mr. Grenville answered that part of Mr. Sheridan's speech relating to the East-India Company, and said he did not doubt but the honourable gentleman felt the usual anxiety for the credit of the Company, and the same earnest desire to protect its rights that he had on all occasions manifested. Be that gentleman's opinion however what it might, he who had some little knowledge on the subject, could say with confidence that to no one of her resources could this country look up with more assurance of ability and power of support than to our East-Indian possessions. He spoke this, from a familiar but elaborate acquaintance with the domestic affairs of the Company, and from the very pleasing situation of affairs in India, as stated in the last accounts that had arrived.

Mr. Fox. Mr. *Fox* said, that the whole of the matter in question between his honourable friend and the gentlemen on the other side of the House lay in a very narrow compass. Was 15,397,471 l. the sum given as the receipt of the year, ending January 5, 1786, or was it not? And if it were, as he believed it would hardly be denied, and all the business of appropriating a million of surplus was grounded upon that being the receipt of the year, was not his honourable friend correct in saying, that the receipt of the last year fell 900l. short of the receipt of the year preceding? He surely was. Mr. Fox took notice of the 300,000 l. which the right honourable gentleman had said he had gotten of army and other savings, and declared, though he was willing to admit that it were so, yet they had a right to a little farther explanation of that matter. But allowing that fact to be as the right honourable gentleman had stated it, this reduced the deficiency to 600,000 l. Mr. Fox argued upon the rashness and folly of catching at one year's receipt, and that a remarkably good one as a ground to judge what the probable receipt in future would be. He said the right honourable gentleman had assigned as a reason for the deficiency in the last year's recipt, that it was a bad season in the West Indies, and had assured the Committee, that this was to be a good one. He a little doubted whether West-India estates were to be valued in that sort of way. Perhaps he might be said to be holding out gloomy and desponding ideas, when he de-

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clared he was rather apt to think that the laſt ſeaſon was not the worſt that might happen in reſpect to Weſt-Indian produce. Mr. Fox dwelt for ſome time on the ſeveral points that he had touched upon, and after reſcuing Mr. Sheridan from the imputation of having argued that becauſe their laſt year's receipt was 900,000 l. ſhort of the receipt of the year preceding, that therefore every other year's receipt would be equally ſhort, ſaid he would ſit down with the words he had begun with: that if it were allowed that the receipt, ending January 5, 1786, was 1,5397,471 l. in that caſe there was a deficiency of 900,000 l. or allowing for the 300,000 l. ſtated by the honourable gentleman, 600,000 l. and at ſuch a deficiency in the Cuſtoms only he could not but be a little ſtartled.

Mr. Chancellor *Pitt* anſwered, that he was ready to accept the right honourable gentleman's explanation of his honourable friend's argument relative to the deficiency in the Cuſtoms, and to ſuppoſe that he did not mean to have ſaid, that there would be an equal deficiency every year; but he muſt nevertheleſs inſiſt upon it, that the honourable gentleman's arguments upon the ſubject of the Revenue Report were erroneous, and ill founded. His right honourable friend had ſo clearly proved, by reading the ſecond paragraph of the Report, that the Committee had not meant to infer, that they were of opinion the receipt of the laſt year was to be equal to that of the year preceding, that it was altogether unneceſſary for him to add any thing upon the ſubject. With regard to the deficiency of the Cuſtoms laſt year, he had already ſaid that two cauſes co-operated to produce that effect, the one was a remarkably bad ſeaſon for Weſt-Indian importation, and the other that ſuſpenſion of commerce which it was very natural ſhould take place pending the negociation of the ſeveral treaties which that country had been known to be agitating. Theſe ſurely were rational grounds of accounting for the deficiency, and at the ſame time ſuch as need not lead them to deſpondency, in conſidering the ſtate of a Revenue ſo apparently improving, and ſo likely to increaſe conſiderably with the new ſpring, which trade would neceſſarily feel in conſequence of the commercial treaty's taking place. The Chancellor of the Exchequer ſpoke to the argument of Mr. Sheridan concerning the Eaſt-India Company, and ſaid, it was rather unlucky that the honourable gentleman ſhould complain of the debt of that Company as likely never to be recovered on the very day on which it had been ſtated to the Houſe, that the money was to be applied to the ſervice of the preſent year. Mr. Pitt explained the circumſtance of the 300,000 l. which he meant to apply this year, and took notice of what had fallen from

Mr. Chancellor Pitt.

Mr. Sheridan on the ſubject of the taxes, which the honourable gentleman, he ſaid, had called for, as if the word taxes would alone give ſtrength to our Revenue; whereas it was a Stateman's duty not to increaſe the burdens of the people by multiplying taxes, but to endeavour to find out means of lending vigour to the collection of the taxes already eſtabliſhed, and thus render them productive. From the Report of which his honourable friend had read one paragraph, he would read another, a determination to carry which into effect was what he and thoſe who acted with him had relied on as the certain way to enſure the great object which they all muſt be proud to ſee accompliſhed. He read the laſt paragraph of the Revenue Report as follows: "But, independent of the articles which have here been ſtated, your "Committee truſt that they ſhall not be thought to extend "the limits of the duty preſcribed to them by the Houſe, "in obſerving, that the preſent ſubſiſting taxes, if the due "collection thereof could be ſecured by meaſures adequate "to the purpoſe, would probably afford an ample proviſion "for any deficiencies which may at any time be found, either in theſe reſources, or in the particulars which compoſe the general income of the Public, and would inſure a "permanent annual ſurplus, applicable to the reduction of "the national debt, in ſuch manner as the wiſdom of Parliament ſhall direct." The Chancellor of the Exchequer reaſoned upon this, and ſaid, for the Committee to ſee the object ſo far ſecured, that without there being a neceſſity to lay any freſh burdens on the people, the ſurplus of 250,000 l. a quarter had been regularly paid in, and that there was enough to make good every deficiency, and a proſpect of a very conſiderable increaſe of revenue in the courſe of the coming year, was a circumſtance which they might without any imputation of over ſanguine feelings reaſonably rejoice at. He added ſeveral other arguments.

Mr Fox. Mr. *Fox* ſtill declared, that to fix on one year's receipt as a ground of a proceeding to be governed by future years' receipts was raſh and childiſh, and that it was not the way in which experienced or wary Stateſmen would have acted. With regard to the 250,000 l. from the increaſe of Cuſtoms, which, the right honourable gentleman had ſaid, he reckoned upon as a part of ways and means, he knew not, nor was it poſſible for that Committee to know what the increaſe would prove; but it was fair for him to ſtate that the increaſe muſt be 550,000 l. in order to yield the 250,000 l. becauſe it was to be recollected, there was a defalcation in the Revenue to the amount of at leaſt 300,000 l. on account of the reduced duties on brandies and rums, which was to be made good out of the firſt increaſe of Cuſtoms which might ariſe.

arise. Mr. Fox added, that if the present Ministry were not startled at so large a deficiency as 700,000 l. in the Customs in one year, they were men not likely to be easily startled at any thing. With regard to the measure of the new fund, he highly approved the situation in which it had been settled, since it not only made it the duty of the Minister, but of the House, to take care that our income should always equal our expenditure.

The resolution was then read and agreed to, and the House was resumed, and afterwards adjourned.

*Monday, 23d April.*

The order of the day for receiving the Report of the Committee of Ways and Means being read, Mr. Gilbert brought up the Report, which having been read a first time, and the question put, "That this resolution be read a second "time,"

Sir *Grey Cooper* remarked, that he had paid the utmost attention to every word of the speech of the right honourable gentleman, in which, with his usual ability and address, he had laid before the Committee of Ways and Means on Friday last the state of the national expenditure and income for the present current year. The right honourable gentleman stated the supplies voted for the navy, army, and ordnance services, and for the deficiency of the funds; he estimated the amount of the services and demands on the Public which remained to be voted, and he had then assumed and undertaken to shew, that after making provision for all those services, and satisfying all those demands, the ways and means would, over and above all such charges, furnish a million, applicable to the reduction of the national debt, according to the plan established by the act of the last year, and that the basis of the appropriation of this million was on the real income of the country. It was not his wish or intention in any degree to undervalue or depreciate the general faculties or resources of the nation; he had a high opinion of the strength and solidity of those resources; and in the balancing the accounts of the present year, and comparing the necessary expenditure with the actual or probable income, he would not intentionally state any circumstance, any article, or any tittle to the disadvantage of the real situation of the country. Every member of that House, every man in the nation who had any property, any interest, or any stake in it, must receive the truest satisfaction and comfort in contemplating a flourishing state of the finances of his country; and it was a most unpleasant task to undertake to persuade him that his affairs were not in so good a condition Sir Grey Cooper.

dition as he had been taught to imagine. But as, according to his manner of ſtating and computing the account of the current year, the reſult came out materially different from that which was laid before the Committee by the right honourable gentlemen (the Chancellor of the Exchequer) he hoped the Houſe would indulge him, as an old member and a perſon formerly converſant in theſe matters, with their attention for a ſhort time, that he might ſtate, and, as well as he was able, explain to them the ground and reaſons on which, according to his computation, the expenditure and income of this year differed from the account ſtated by the right honourable gentleman: this would appear more clearly, if the Houſe would permit him to lay before them two different ſtatements of the ſupply and ways and means of the year. The firſt was made up according to that mode which had been adopted and practiſed by that Houſe ever ſince there had been an available ſurplus of the Sinking Fund; the other ſtated particulars according to the form and method preſcribed and recommended by the Select Committee on the finances of the preceding year. By the old parliamentary mode of ſtating the account, the ſupply conſiſted of the ſervices of the navy, army, ordnance, and miſcellaneous ſervices, of the deficiency of funds or appropriated taxes, ſtated in accounts of the ſurpluſſes of the Sinking Fund for the preceding year, the deficiency of grants of the preceding year, and an eſtimate of the deficiency of the land and malt taxes, when there was no overplus of grants ſtated for the preſent year. In the Committee of ſupply the ſervices of the navy, army, and ordnance had been voted, and the deficiency of funds had been voted: there remained to be voted the miſcellaneous ſervices for the current year, which the right honourable gentleman eſtimated at 96,000l. The computation which he ventured to make of that expence was, that it would *exceed* 300,000l. He would not trouble the Houſe with the detail from which ſuch computation aroſe; he would only ſay, that into his eſtimate he took the ſums voted during the courſe of the laſt year for the American ſufferers, amounting to 62,000l.; the employment of convicts, the probable expence of carrying Botany-bay plan into execution, together with various other articles of expence which muſt be incurred to a conſiderable amount. With reſpect to the ways and means of the year, there had been voted the land and malt taxes, 2,750,000l. and money in the Exchequer of the ſurplus of the Sinking Fund on the 5th of April, 1,226,000l. The great and important queſtion was, for what ſum the right honourable gentleman (the Chancellor of the Exchequer) might venture, without manifeſt danger of anticipation, to take

take the growing produce of the surplus of the new fund to the 5th of January 1788. Consider the present state of the Sinking Fund, compared with its state on the 5th of April 1786. Towards the ways and means of the last year there was voted from the Sinking Fund the surplus on the 5th of January 1786, 582,488l. Ditto on the 5th of April 1786, 628,982l. These sums so voted were the real and actual surplusses at those periods before the deficiency of funds for the preceding year had been replaced to the Sinking Fund. For this year they had voted the sum of 1,226,000l. remaining in the Exchequer on the 5th of April 1787, of the surplus of the Sinking Fund for the disposition of Parliament. But perhaps the House was not aware, and many gentlemen might be surprized to learn, that this surplus on the 5th of April was raised out of the sum of 1,135,392l. being carried from the supply of this year to the aid of that quarter before the usual period: this arrangement of finance the right honourable gentleman admitted; and the order of the Treasury for replacing the deficiency at this time was certainly consistent with the directions of the act of Parliament of the last year for that purpose. But it must nevertheless be admitted, that the necessity of carrying this large sum to the Sinking Fund before the 5th of July might be of the most serious and important consequence to the future state of the revenue at the close of the year. The right honourable gentleman took the growing produce of the Sinking Fund last year for 2,600,000l.; but at Michaelmas there was wanting to make good this sum more than 690,000l.; and by comparing what the Sinking Fund of last year received from Lady day to Michaelmas, namely, 1,285,000l. for the deficiency of funds in the preceding year, with what it paid for deficiencies arising from the 5th of April to the 10th of October 1786, namely, 774,000l. and the real surplus of the duties above the charges did not, within that period, amount to 1,400,000l. and then there was a deficiency in the Christmas quarter. In this year, and at this time of the year, the aid from the supply for the deficiency of funds was anticipated and applied. The quarters at Midsummer and Michaelmas were left to pay all the charges and deficiencies which should fall upon them without receiving any external assistance to enable them to bear the burden. It therefore appeared to *him*, that more than 1,500,000l. could not safely or prudently be taken from the growing produce of the surplus of the new fund to the 5th of January 1788: to this sum must be added the sundry articles of ways and means which the right honourable gentleman had taken, to the amount of 1,492,000l. Here Sir Grey Cooper stated the first account, by which

it appeared, that in the comparing of the supply with the ways and means of the year there was a deficiency of income to the amount of 8,381,179l. With respect to some of those articles there seemed reason to apprehend, that they would not, in the course of the year, bring to the Exchequer the whole of what was computed to be their available produce. He apprehended, that in the sum of 400,000l. taken as the result of the assessment of certain new taxes, there would be a considerable failure and deficiency. The sum of 3?0,000l. for the subsistence of the army, and for the victualling of ships, might be due to the Public from the East-India Company; but was it certain or probable that this instalment of the debt would be paid before Christmas, or even Lady-day next? The computed increase of revenue from the commercial treaty and the consolidating act was taken at 100,000l.; this seemed a sanguine and over rated calculation; but be that as it might, there must be set against that estimate the infallible diminution of duties in consequence of the French treaty. The reduction of the duties on Portugal, Spanish, and French wines would defalcate from the revenue of customs and excise at least 200,000l. and the reduction of the duties on imported spirits, in conformity to the French treaty and for prevention of smuggling, would diminish the revenue of excise to the amount of more than 200,000l. He meant that this diminution would fall on the present year; but he admitted that in future the difficulties laid on the smugglers by the reduction might occasion a greater legal importation, and compensate by degrees the present sacrifice of duties to that great object. He would not trespass on the patience of the House farther than to lay before them the statement of the account according to the mode prescribed by the Committee, which certainly was the most simple and most distinct and intelligible method, and placed the income and expenditure in the clearest light.

Here he stated at length the annual account of expenditure and revenue, made up according to the form presented by the Committee of the last year, and by that account the total of the supply for the current year amounted to

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| | £. 16,633,483 |
| The total of ways and means to | 15,701,928 |
| Deficiency | £. 931,555 |

If there should be any errors proved in the statements, he would most readily correct them, and feel himself happy to be convinced, that the revenue of the kingdom was likely

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to stand in a better posture at the end of the year than that in which it presented itself to his judgement.

Lord Newhaven. Lord *Newhaven* remarked, that the account struck him in a very different way, and in a manner more satisfactory than it appeared to strike the honourable Baronet. His Lordship then went through the various items of the supply and annual expenditure on the one hand, and of the ways and means on the other; and thence made it out, that the ways and means exceeded the supply to the amount of nine hundred thousand pounds.

Mr. Steele. Mr. *Steele* went over the arguments urged by the Chancellor of the Exchequer on the preceding Friday, applying them one by one to the several items of the ways and means and supply, in the manner as the Chancellor of the Exchequer had done, in order to shew the honourable Baronet on what grounds of calculation it was that his right honourable friend had been enabled to satisfy the Committee, that notwithstanding the deficiency in the Customs last year, for two stated and sufficiently accountable reasons, they had been able to apply 250,000l. each of the four quarters, towards the diminution of the national debt, and were now able to state that there would be a surplus in favour of the Public on balancing the total amount of the ways and means against the total amount of the supply, without imposing any fresh taxes on the People. If gentlemen were not satisfied with that manner and mode of calculation, he wished them to come forward with their own mode of calculation, and to shew in what better manner the accounts could be stated.

Mr. Sheridan. Mr. *Sheridan* observed, that notwithstanding the formidable dilemma into which the honourable gentleman, who spoke last but one, had put the House, by declaring, that if they disliked the manner in which the minister had stated the articles of his budget, he wished they would come forward with their mode of calculation, and shew how the accounts ought to be made out, he certainly should persist in the exercise of his undoubted right to find fault with the Minister's budget, wherever he saw, or thought he saw cause of blame, and look for amendment to them, without feeling himself at all bound to suggest the means of it. Mr. Sheridan proceeded to call the attention of the House to the Report of the revenue Committee of last year, observing that the right honourable gentleman, who had been chairman to that Committee, was not then in the House. [Mr. Grenville at that moment shewing himself, Mr. Sheridan said, he begged pardon, he saw the right honourable gentleman, and as he was forthcoming, he heartily wished his revenue might be forthcoming likewise.] He still persisted in maintaining that the Report to which he

had alluded was fallaciously made up, and that every one of the predictions which he had, in the course of the last year hazarded, as to the deficiency of the ways and means, were this year, fully verified and confirmed. The honourable Baronet, who sat near him, had proved in a manner perfectly satisfactory to his mind, that there was a very great deficiency in the ways and means as stated by the Minister in the opening of the budget, on Friday, and the noble Lord who had endeavoured to answer the honourable Baronet, certainly had failed in his attempt. Mr Sheridan went over the articles of the supply, enumerating them severally, and distinguishing such as were voted, from such as remained to be voted, and dwelt for some time on the miscellaneous services. After going through the whole, he proceeded to notice the ways and means which, he said, consisted of six articles. The first he mentioned was, the hundred thousand pounds, to be drawn from the cambric, and the consolidated duties. In making out that article, forty thousand pounds were taken by the right honourable gentleman for the duty on cambrics, which left 60,000 pounds for the consolidation of duties; a sum for which he was altogether at a loss to account, since when the right honourable gentleman stated his plan to the public, he had not taken credit for near so much, but had merely talked of eighteen or twenty thousand pounds. [Mr. Pitt said across the table, eighty thousand.] Mr. Sheridan persisted that the sum mentioned by the right honourable gentleman had been no more than 18,000l. or 20,000. and that as likely to arise from the alteration of the fractions of sums payable for duties into integrals. But it was evident, sixty thousand pounds thus had been levied upon the public in new taxes, and that in so silent and concealed a way, that he was convinced that House generally had been unapprised of the fact till that moment. This being the case, the right honourable gentleman had no right to boast of a surplus, without his being under the necessity of imposing new taxes. The next article of the ways and means was the first singular article to put into the Minister's Budget that he had ever heard of: It was two hundred and fifty thousand pounds for an expected increase of the customs, on account of a spring of trade. He ridiculed the idea of a spring of trade, and contended, that even if any great increase should take place, it must produce 650,000l. before it could yield the 250,000l. In order to explain this, Mr. Sheridan said the reduction of the duties on spirits and wines would make a deficiency of 400,000l. and he argued that the right honourable gentleman ought, when he let loose so large a portion of revenue, to have provided a substitute to have made good the deficiency. He objected to the 320,000l. expected to be paid by the East India Company for the

the pay of the regiments of British troops serving in India, declaring his firm belief, that the Company neither would nor could advance the money this present year. Notwithstanding the right honourable gentleman over the way (Mr. Grenville) had on Friday last declared, with so much confidence, that he had every reason to regard the affairs of the India Company as in a most prosperous and flourishing situation, and that he drew that opinion from the last accounts which came home from India, he was of a contrary opinion, and so much so upon the very ground where the right honourable gentleman had rested his opinion, the last accounts received from India, that he would move for those accounts to be laid before the House, and if the right honourable gentleman and his friends shrunk from that motion, the House would judge for itself, which assertion was most deserving of credit, that of the right honourable gentleman or that which he had just made. Upon the whole of the ways and means, there was a real deficiency, and however it might be glossed over, a day would arrive when the right honourable gentleman would wish he had ventured to come boldly forward with some decisive measure applicable to the real situation of the country. With regard to the army savings, and casual sums which might arise from the balances of accountants being paid in, and from the taxes being rendered more productive,—those the right honourable gentleman would find he ought not to reckon upon, if he considered that there were provisions sooner or later to be made on account of the Royal Family, the loyalists, and for other services, which must demand sums far larger than the produce of the sums in question. He ought, therefore, not to persist in an over-sanguine opinion, that his resources were fully adequate to the possible expences of the year, but manfully look the situation of the country in the face, examine it thoroughly, and meet it with an adequately bold and decisive measure, and not resort to little shifting practices of changing the mode of collecting this and that tax, so as to disturb the whole system of revenue collections, to the infinite vexation and perplexity of the subject, who was so teized and harrassed by these perpetual alterations, that they scarcely knew what the taxes were that his money was demanded for, nor what the tax laws were under which he lived. Mr. Sheridan persisted in his former declaration that the Report of the Committee of the last year had been delusive, and said, he had a proposition to offer which was for the institution of a new Committee; not a Committee made up of paymasters of the forces, and the immediate friends and supporters of the Minister, nor of men connected with party, but a fair and impartial Committee, constituted of persons perfectly independent and unconnected politically. Such men were to be found

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in that House; and from a Committee so constituted, the House might expect a just and authentic account of the real state of the finances of the country, upon which they might safely rely and proceed to ground such measures as were absolutely necessary to convince all the world, that they had really gone to the bottom of their affairs, and were determined to put them upon a proper footing. Mr. Sheridan read from the Journals, the string of resolutions relative to the Report of last year's Committee which he had moved on the fourth of May last, all of which had been negatived, one only excepted. He reasoned upon these resolutions, and contended, that they had, every one of them, been verified by what had since happened. After offering to pledge his credit with the House, that the total of the supply, for the two next years, would amount to thirty-two millions, Mr. Sheridan concluded with moving, that the resolutions of the 4th of May last might be read.

They were read accordingly as follows:

"That the expected annual amount of the national income stated in the Report of the Select Committee appointed to inquire into the public income and expenditure, appears in no respect to have been calculated upon the average receipts of any number of years, but is estimated upon the produce of one year only, and fixed at the amount of the same, with the addition of the probable increase upon the new taxes.

"That it appears, that the amount of the annual expenditure as opposed to the amount of the public income so calculated, is not a statement of the present existing expenditure, or of that which must exist for some years to come, but is formed upon the probable reductions which it is alledged will have taken place towards the end of the year 1791, in the prospect of a permanent peace.

"That the different branches of revenue, in the period upon which the future is calculated, appear to have been singularly productive, particularly in the customs, and greatly to have exceeded the amount of the present year with which alone it is contrasted.

"That it does not appear that any means were taken, nor information called for, nor any examination entered into by the said Committee, in order to ascertain whether such increase of revenue had arisen from causes which were likly to have a permanent operation, or otherwise.

"That such an investigation is indispensably necessary before this House can, with confidence, calculate by the pro-

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" duce of one year, the supposed future amount of the public
" income.

" That the uncertainty of estimating, by such a crite-
" rion, the expected future produce of the revenue is still
" more evident, upon a comparison of the quarter ending
" the 5th of April last, with the same quarter in the preced-
" ing year, upon which the future income is calculated, by
" which comparison it appears, that the amount of the
" latter quarter is inferior by the sum of 188,215l. 13s 4d.
" in the branch of the customs to the former.

" That in the said Report there are certain articles of re-
" ceipt erroneously stated, as proper to be added to the future
" annual income, and other articles of expence, erroneously
" omitted, to be added to the expenditure.

" That the total expected amount of the future annual
" receipt is stated in the said Report to be 15,397,471l.

" That the sums voted, and to be voted, for the service of
" the year 1786, including the interest and charges of the
" public debt, considerably exceeds that sum.

" That the means by which the deficiency is to be made
" good, arise from aids and debts, which belong to the present
" year only.

" That there is no surplus income applicable to the reduc-
" tion of the public debt now existing.

" That a surplus income in the ensuing quarters can arise
" only by the renewal of a loan for an extraordinary million,
" borrowed upon Exchequer bills in the last, and charged
" upon the supply of the present year, and which loan it
" would be unnecessary to make, but for the purpose of pro-
" curing the said surplus.

" That any extraordinary increase of Exchequer bills, contrary to a former practice in the time of peace, is an inexpedient anticipation of that assistance which the Government might receive in the case of any circumstance rendering it necessary to strengthen the state of our national preparation.

" That the saving to the public upon the interest of money
" borrowed in this way, is rendered improbable or preca-
" rious, by the necessity which will arise for the more speedy
" issuing such bills, in order that the object for which the loan
" is made, may be punctually and effectually answered; nor
" even should such savings accrue, will it compensate for the
" disadvantages above stated

" That admitting that, by the foregoing means, the ex-
" pected surplus will arise upon the three quarters next en-
" suing, and that henceforward one million annually is to be
" applied to the reduction of the debt, it appears that there
" will then be an interval of nearly four years before the com-

" mencement

"mencement of that permanent peace eſtabliſhment which "is to furniſh, in the reduction of ſervices, 900,000l. of the "expected million ſurplus.

"That in this period it appears from the vouchers annexed to the ſaid Report, and other papers before this Houſe, "that a ſum, amounting to 4,010,000l. beſides two millions "due to the Bank, making together the ſum of 6,010,000l. "will be deficient and wanting, over and above the ſtated an"nual income."

Mr. Dundas Mr. *Dundas* declared, that the honourable gentleman had put him into an aukward ſituation, and he would tell the Houſe what he meant. The honourable gentleman had talked of calling for the laſt accounts from India. Now, there was nothing which he ſo much deſired, as to ſtate to that Houſe the real ſituation of the Eaſt-India Company's affairs; but he was prevented from ſo doing by the exiſtence of the Secret Committee, who were employed in preparing articles of impeachment againſt Mr. Haſtings, and by being a member of which, he preſumed the honourable gentleman had been enabled to get the information relative to India, at which he had hinted in the courſe of his ſpeech. Mr. Dundas farther explained himſelf, ſtating that he had been exceedingly anxious to lay before that Houſe, at a proper period, the account of the Company's affairs, that he thought that that preciſe period had come, when the Bengal and Swallow packets arrived; and he accordingly prepared to fulfil his purpoſe, and had at that moment, the reſolutions which he meant to move ready written; but in order to ground them ſatisfactorily to the Houſe, it was neceſſary to preface them, with laying before the Houſe the accounts from which the inferences they ſtated were drawn. In order to do this, he had ſent to the auditor of the Company to put the accounts laſt received from India into a proper ſhape to be laid before Parliament, and learnt that it would take up ten days or a fortnight ſo to prepare them, but that the auditor could not be ſpared to do it, without putting a ſtop to the progreſs of the Secret Committee. As the buſineſs of the Committee was extremely preſſing, he had been reduced to the neceſſity of giving way to it, and obliged, however reluctantly, to poſtpone his intention till the next ſeſſion, when he would, on the firſt poſſible day, bring forward the ſubject, lay the proper accounts before the Houſe, and move his reſolutions, meaning that they ſhould remain on the journals as matters to be referred to, on any ſubſequent occaſion, in order that the Houſe might have fixed and certain facts to ground their arguments upon in future, whenever the ſtate of the Company's affairs ſhould be brought under diſcuſſion. Mr. Dundas declared the not being able to open what he might term his Indian budget that year,

year, was a matter of serious mortification to him; but thus much he would say, that whenever he should do so, it would be a proud day, and a day of triumph for this country. Flattering as he thought the state of our affairs at home, and confident as he was of the care which would be taken of them by the present Administration, the prospect which they presented was darkness opposed to light itself, when compared with the prospect presented by the state of affairs in India. In less than ten years, he declared, the Company would not have a debt of a single rupee in India, and he mentioned other particulars of a most favourable aspect, in that quarter of the globe. He therefore having such a satisfactory detail to state to the House, could not but feel extremely aukward to find himself incapable of answering the honourable gentleman's challenge, because he was embarrassed by that Committee, the members of which certainly had it in their power to resort to the last accounts from India, and to hint at the contents of any single paper, without having compared it with other papers, and then drawing from the whole what was the true result.

Mr. Dundas explained to the House the nature and ground of the demand of 320,000l. on the East-India Company; and said, that by the clause of the act of the 21st of the present King, the Company were to pay two lacks of rupees for the subsistence of every regiment of British troops serving in India, consisting of a certain number of battalions, and the payment was to be made at the time in India. The Company having been unable to make the payment in India, the Treasury had advanced the money, and thence the debt arose. Nor was that all of the Company's debt. Their debt, on account of the army alone, was 500,000l. and for victualling, &c. nearly a million was due in the whole. The Court of Directors had refused payment here, contending that the payment, according to the act, ought to be made in India; but they forgot that it ought to have been there in the first instance, and that the Treasury having advanced the money, gave them a right to demand payment in London, instead of going circuitously to work, sending to India for a bill or bills on Leadenhall-street, and then ultimately going to Leadenhall-street for payment.

Mr. Chancellor *Pitt* said, that if the honourable gentleman (Mr. Sheridan) had any thing to say, by way of explanation, or with a view to clear up any point in which he might suppose himself to have been misrepresented, he had certainly a fair right to be heard a second time; but, even, if he wished to enter again into argument on the subject, if he was desirous of introducing new matter, or of amplifying and dilating on that which he had already offered, he should Mr Chancellor Pitt.

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be extremely willing to dispense with the rules of the House, in favour of the honourable gentleman, particularly if what he had farther to say, was as little calculated as his former argument, to effect what must certainly be his only object—a refutation of the favourable statement, which on Friday last he had made of the resources and finances of the country. The honourable gentleman had in answer to him on that day, complained of the necessity he was under of being extremely brief on the subject then before the House, for the want of sufficient materials to furnish out a speech of proper length; but this defect he had now remedied, by looking for, and introducing topics entirely foreign from, and unconnected with the question. To what the honourable gentleman had said of the situation of the East-India Company's affairs, and to the miserable picture which he had drawn of the revenues in Bengal, he should for the present give no answer, it being a discussion in no way affecting that on which the House was then engaged. But he was not surprised to see his right honourable friend give way to the temptation which he must naturally feel on a subject in which he was so immediately and officially concerned, to defeat and contradict at the instant, so dangerous and so unfounded a misstatement as that made by the honourable gentleman. The House would soon be enabled to judge of the real situation of the East-India Company's finances, both at home and abroad, when all the papers and documents relative to that subject could be prepared for their inspection, and which, but for the circumstances stated by his right honourable friend, would have long since have been ready, and the honourable gentleman's misrepresentations have proved thereby anticipated, and no opportunity given him of misleading the House and the Public by partial statements, and quotations from detached and single papers or correspondences, of which he had so amply availed himself. As to the circumstances which gave rise to this discussion of the Company's affairs, the sum of 400,000l. to be paid by them, and which he had stated to the House as an *item* of ways and means on Friday last; on that he wished the honourable gentleman would continue silent, until he should, by proper intimation on the point, be competent to understand it. The information was not as yet before the House, but before it came to be discussed, there should be sufficient documents on the table to enable gentlemen to judge, whether, under the act of 1781, and coupling with it the present situation of the Company, there was any shadow of right in them to dispute the justice of the demand, or any reason why this was an improper time for enforcing it. In fact, so little pretence was there for such refusal of the right, that a much larger sum would still remain due,

even after this was paid; for the whole amounted to above a million; 500,000l. on account of the army, and something more than that sum for the navy. How inconsistent, he observed, was it to see the honourable gentleman become so zealous an advocate to protect the Company from the payment of a just and fair debt, who had formerly, with equal zeal, assisted in pushing forward a measure calculated to deprive them of every property which they possessed, as a body corporate—and what an extraordinary alteration of sentiment must have followed the changes which had since that period taken place—when he, who in one situation, would despoil those of that which they possessed by charter, would, in another, endeavour to skreen them from the payment of that to which the Public were entitled by law.

The honourable gentleman had denied that he had ever heard from him, of any greater annual sum being expected from the consolidation bill, except about from 18 to 22,000l. besides the amount of the duty on cambric. He would not take upon himself to say whether it might not be the fact that the honourable gentleman never had heard of any thing more, but if he had not, it must have been in consequence of his not being present when he had laid the plan of consolidation first before the House. He would remind the honourable gentleman of what he had then stated; he had certainly stated a sum equal to that mentioned by the honourable gentleman, but he had stated it only as the expected amount of what would probably arise from that part of the plan which went to the advancing fractions to integrals. But he had also stated a tax upon timber and on drugs. Nay, he had reasoned upon the former of those two last-mentioned articles, and had explained to the House other motives, besides barely those of revenue, for making them subject to the tax in the particular form which was intended—and he remembered that part of the plan was debated, as he had thought, by the honourable gentleman himself, but certainly by some of those who usually acted with him; he supposed, however, that the honourable gentleman had found something better to occupy his thoughts, by his having so entirely forgotten it.

The honourable gentleman had recurred to the Report of the Committee of last year, and had renewed his old objections against it, and that almost exactly in the same state and manner in which he had before attacked it; he had even argued against it upon the authority and credit of his own former arguments, and by way of compressing them into the compass of a single speech, had quoted his own resolutions which he had last proposed to the House, but all of which, upon some observations made in answer to him by his

his right hononrable friend (Mr. Grenville) had been rejected without a diviſion. The honourable gentleman had gone upon the idea, that becauſe one million of Exchequer bills had been iſſued, it was therefore to be held, that we were only borrowing a million on one hand to pay a millon on the other—and that our ability to pay aroſe from our credit to borrow, and not from any actually exiſting ſurplus. This was the greateſt fallacy ever attempted to be impoſed upon that Houſe; for the fact was, that the million for which the Exchequer bills were iſſued, was a debt contracted in the year 1785, on account of the extra charges of the war, and not any part of the charge of 1786—and the only charge which could ariſe was, not whether there was in fact a ſurplus of one million received into the Exchequer over and above the expences of the year, but whether ſuch a ſurplus actually exiſting, it was more adviſeable to apply it in diſcharge of the debt of 1785, or of part of the three or four per cents: this latter was thought the more adviſeable, becauſe the intereſt on thoſe funds, at their then price, was greater than that which the Exchequer bills were then to bear.

The honourable gentleman had dwelt much upon the ſum of 250,000l. as ſtated by him on Friday laſt, to be the probable amount by which the cuſtoms of the current year might be expected to yield an advantage applicable to the expenditure of the year. But he had not ſtated that ſum as the exact amount of what he expected. He had aſſumed, and that on two ſpecific grounds, which he had fully ſtated to the Houſe, that an increaſe to ſome degree muſt naturally take place, but had not attempted to aſcertain the extent of that increaſe. It might, and there was ſcarcely room for a doubt, but it would be conſiderably greater than the ſum which he had mentioned; for, independent of the two obvious cauſes, which, in the year 1786, had operated to the prejudice of the revenue—namely, the ſuſpenſion of commerce, while the commercial treaties were depending, and the uncommon badneſs of the ſeaſon in the Weſt-Indies—independant of thoſe two cauſes no longer exiſting, there were others which had taken place, in themſelves ſufficient to warrant his expectations of a more favourable year for the future—theſe cauſes were the new markets which had been opened to the country. But the honourable gentleman had contended that a ſet off ought to be made againſt the revenue of the whole amount of the reduction which was to take place on the duty on wines—and he ſeemed to argue upon this doctrine, as if the idea of increaſing the revenue, by diminiſhing the duties, had now for the firſt time been heard of. He remembered, indeed, when on a former oc-

caſion,

casion, a noble relation of his [Earl Stanhope] now a member of the other House, had reasoned on that principle— that it was received by gentlemen on the other side of the House as monstrous and absurd, and that when, on a former occasion, he had himself reduced the duty on foreign spirits, from nine shillings to five, it was opposed by the same gentlemen on an assumption that every diminution of duty, must be attended with an actual loss of revenue. But the authority of those gentlemen was entirely destroyed by their own country practice; for when he had once proposed, on the article of home-made spirits, to restore a part of the duty which he had formerly reduced, it was then argued by them, that by so doing the consumption might be checked, and the revenue suffer in consequence. Nay, they had themselves, when in office, recognized the principle; for they had adopted and applied it to the article of East-India muslins, which, from the greatness of the duty, had been thrown into the hands of the smuggler, but which, with a view to increase the revenue they had reduced to a much lower duty. To prove that a considerable increase of the legal importation would take place, in consequence of the reduced duty, he stated the profits of the smuggler as so trifling, that they would tend almost wholly to discourage and put an end to illicit trade, and shewed, from the accounts of the Custom House and Excise Office, between the period in which the latter regulations for suppressing of frauds in the wine trade, and that in which the negociations became so generally known, as to cause a general stagnation of trade; that the legal importation, even under the old duties, had increased in a proportion adequate to counterbalance and compensate for the reduction which was to take place in that article. His reason for stating the sum of 250,000l. as likely to be the amount of the increase in the customs was, that, however low and moderate that computation proved, it was sufficient, added to the other articles of ways and means, which were certain to answer the whole of the supplies of the present year; but should it be still greater, as there was every reasonable ground to expect it would, it would be so much more clear disposable surplus in the Exchequer for the services of the next year. What was most extraordinary, the honourable gentleman had accused him of a wilful deception on the House, in his statement of the revenues, and of the use he had made in that statement of the sinking fund, when, in fact, he was the first Minister who had ever suggested a plan by which that fund was to be completely abolished, and, in consequence of which, no Minister could in future avail himself of that resort to technicals in stating the condition of our finances which had so often and so successfully

been

been used, for the protection of insolvent funds and fallacious statements of revenues. As to the sum of 1,226,000l. remaining in the sinking fund, which had given the honourable gentleman so much offence, he did not know what to say in exculpation of himself, except that such a sum being actually in the Exchequer, he must either apply it to the service of the current year, or else let it remain idle and useless. The honourable gentleman had, with great solemnity, staked his reputation as a financier on the justice of the doctrine he had laid down; that if we continued to keep up an uniform establishment, which was not to decrease, and only enjoyed our present revenue, which was not to increase—in such a case we should certainly fall short in our resources. This was a fact, which however the honourable gentleman might think it worthy of so much laboured argument, no one could think of disputing with him—but there was a certainty that the expence of our establishments must decrease, and a great probability that our revenue would improve. At all events it was a fixt and invariable principle, and which that House had pledged itself to the Public to pursue, to issue a million annually for the discharge of the public debt, and that, if from any unforeseen increase in our establishments on the defalcation of revenue, the resources of the nation should in any year fall short, it would be the duty of Ministers to supply such deficiency by a loan, and to provide a proper fund for the payment of the interest of it. Such a necessity had not yet occurred, and there was every reasonable degree of expectation that it would not occur. After going into minute statements and investigations of several parts of the revenue, and making several computations, as well from certain averages, as from corresponding quarterly receipts, in other years, in order to obviate the objections advanced against his general statement, and to prove that his expectations of an increase in the revenue, adequate to the ends for which he had stated them, were well founded, he concluded his speech with some allusions to Mr. Sheridan's system of finance, and to the new character in which he appeared—as the advocate of the East India Company.

Mr. Sheridan. Mr. *Sheridan* said, he would confine himself merely to explanation. He then made a reply to the several reasonings of the Chancellor of the Exchequer, and of Mr. Dundas. He charged the Chancellor of the Exchequer with having misrepresented his arguments, and said, he wondered, after what had now come out, that the right honourable gentleman was not ashamed of resorting to such old and hacknied means of opposing fair arguments, as talking of violated charters, and his right honourable friend's India bill. Could the right honourable gentleman deny, that the Court of Directors

rectors, the East India Proprietors, and even the Company's servants in India, now publicly declared, what had been admitted by his right honourable friend at the time, and what had also been said by him when the other bill was in agitation, that his bill was a bold, a manly and an avowed resumption of power which had been abused, and that the right honourable gentleman's bill filched authority, and did that in a covert, sneaking underhand way, which the other bill did undisguisedly. Mr. Sheridan justified his former argument respecting Mr. Pitt's assertion that about 18 or 20,000l. would be the amount of the advantage resulting to the Public from the consolidation of the duties, and appealed to the House whether an idea had been entertained by them, when they passed the bill, that they were taxing the people to the amount of between sixty and eighty thousand pounds a year. He answered what had been said to Lord John Cavendish's taking off the high duties on muslins, and said, that the right honourable gentleman had been forced to confess it to be a good measure, as its extremely beneficial consequences undoubtedly could witness. He had not complained of the right honourable gentleman's following that example, but of his having laid down a principle, and afterwards not acted up to his own principle, a fact evinced by him in respect to the loss of revenue, by the reduced duties on spirits and wine. Mr. Sheridan also took notice of what had fallen from Mr. Dundas, and said, he had addressed himself to a right honourable gentleman (Mr. Grenville) and not to him, when he talked of moving for the last accounts from India, but that right honourable gentleman had chosen to avoid a reply. If his right honourable friend, (Mr. Fox's) bill had passed, there would have been no necessity for a right honourable and learned gentleman (Mr. Dundas) to come to the House with his Indian budget, which he waited, as he had declared, to have properly shaped. They all understood what *shaping* East-India accounts was, but that shaping would, as he had just declared, have been unnecessary, had his right honourable friend's bill passed, as one of its operations was to have obliged the accounts of the Company to be from time to time laid before the House. Mr. Sheridan again recurred to his proposition of a new, a fair, and an impartial Committee to examine and report the real state of the revenue and its expenditure.

Mr. W. Grenville.

Mr. *W. Grenville* appealed to his two right honourable friends, whether he had not been impatient to rise, when he had given way to them, conceiving that they had a better right to be first heard. It was not, therefore, as the honourable gentleman had been pleased to say, from any wish to avoid a reply, that he had till that moment continued

silent

silent. He observed, that he was ready then, and should be ready at any other time, as he had declared on Friday last, to meet the honourable gentleman on the subject of the Report of the preceding year, or on the subject of the East-India Company's affairs; and indeed he had so often refuted the honourable gentleman's arguments on the subject of the Report of the Revenue Committee, that he was not a little surprised that the honourable gentleman should so frequently repeat them, and bring them forward. His two right honourable friends, Mr. Grenville observed, had so fully replied to the honourable gentleman's first speech, that they had anticipated almost all which he meant to have said. There remained, therefore, little more than for him to state, that he should oppose the proposition for a new Committee, because it was grounded on an assertion that the last Committee had made a fallacious report, an assertion, the truth of which he never would admit. Mr. Grenville talked of the great impropriety of the Secret Committee taking advantage of the power of calling for papers, with which they were necessarily invested, and forgetting the discretion due from them, partially proclaiming facts relative to the present state of affairs in India, which by no means stood connected with the immediate object of their appointment.

Mr. Burke. Mr. *Burke* observed, that he felt it his duty to exculpate the Secret Committee from the charge made upon them by a right honourable gentleman (Mr. Grenville) and added, that so far from his honourable friend (Mr. Sheridan) below him being liable to it, he did assure the right honourable gentleman, that the Committee had not been assisted by his honourable friend more than once, and then he had given them his company only for half an hour. Mr. Burke denied that the charge was at all relevant; and with regard to himself, who was the person perhaps most assiduously intent on the subject which led him to the India House, he said, he was profoundly ignorant concerning the state of affairs in India, and so wholly occupied was he with his object, that he had not the least thought of attending to secondary considerations; nay, so little curiosity had he, that although he was at the India House when it was resolved to refuse payment of the demand of 320,000l. for the money advanced to the British regiments for subsistence, while serving in India, he had not inquired what the Court was about, nor heard of it till either Saturday night or Sunday morning. Mr. Burke laughed at the statement of 320,000l. as the debt of the East-India Company, payable this year, and said, it was evident, that instead of an aid to that amount to be depended upon for payment within the year, the Minister had gotten in exchange, a *lawsuit with a good title*. He declared, that the

Secret Committee had exerted themselves industriously, and that they would be ready to deliver the articles of impeachment on the morrow, and that he meant to bring forward the charge on the subject of the misdemeanors in Oude in the course of the ensuing Thursday; but if he could understand that any gentleman doubted of the criminality of the facts contained in that charge, he should in that case wish to postpone it to Monday, as he was somewhat unprepared on the subject, having of late had his time occupied by other important matters.

Mr. *W. Grenville* admitted that the right honourable gentleman had fully cleared himself and the Committee from the charge of having made an indiscreet use of their powers; instead, therefore, of the honourable gentleman's (Mr. Sheridan) being liable to the suspicion that he had suggested of his speaking from too good information on the subject of the state of the Company's affairs in India, it was evident he had spoken from no information at all. Mr. W. Grenville.

Mr. *Sheridan* desired the right honourable gentleman, when he thought proper to argue upon the degree of information from which he (Mr. Sheridan) had spoken, to rest his arguments on what he admitted to be the information in his possession, and not on what any other person stated it to be. He alone could be a judge of the information in his mind, and the sources from whence that information was derived. The quarter from whence he had learnt what he hinted at, was an indisputable authority, and such as he should not be ashamed to state to the House. Mr. Sheridan.

Mr. *Baring* said, that he was not present at the Court of Directors last Thursday, but he had left his sentiments in writing: that the demand of 320,000 l. had been made suddenly on the Company, at ten days notice: that it was obvious what step was their duty as Directors to take: that they consulted their law officers, to enable themselves to send a proper answer to the letter: that they had their doubts as to the propriety and legality, or rather the equity of the demand. A doubt, Mr. Baring said, was entertained by them, whether it was not understood when the act in question passed, that the Company were liable to the payment of the two lacks only, while their territorial revenue afforded a surplus over their expenditure equal to the payment, and, of course, when their territorial revenue was exhausted by the demands of war, and other exigencies, whether they were not wholly exempt from any claim of the sort. Another matter of doubt was, as to the exchange of the rupee. They understood the exchange to be after a rate considerably lower than the rate of exchange stated in the claim of Government. A third difficulty was, that as the Company was Mr. Baring.

under acceptance of bills to be paid in 1788 and 1789, to the amount of millions, it behoved them to look into the ſtate of their affairs with care, before they gave an anſwer, as they were bound to ſee whether, if they paid the 320,000 l. demanded, they ſhould be in caſh to anſwer the bills which they had accepted when they became due; and, after all, the act ſpecified that the money was to be paid in India.

Lord Mulgrave.

Lord *Mulgrave* expreſſed his aſtoniſhment that ſo old a Director, and ſo experienced a man in accounts, as the honourable gentleman, ſhould talk of being taken by ſurpriſe, and complain of being called upon to pay the 320,000 l. at only ten days notice, when there was the act of Parliament to inform the Directors of the debt, and the grounds on which it could not fail to be demanded. The accounts of the charge, with all the particulars, had been ſhewn and communicated to a Director; and, would the honourable gentleman deny that the Court of Directors knew that the money had been advanced by the Treaſury; whereas it ought to have been paid by the Company in India? The Company's debt was very conſiderably more than 320,000 l.; but, as there was money wanted to ſupply deficiencies in ways and means, in making up a budget, it was natural to reſort to the Company's indiſputable debt, and it was thought adviſeable for the preſent to claim no more than the 320,000 l.; and, was it to be ſtated, that before it was paid the Company muſt ſee the Treaſury accounts to examine the particulars?

Mr. Baring.

Mr. *Baring* anſwered, that it was the Company's own accounts to which he meant to allude, as neceſſary to be ſeen, and no other. With regard to the particulars of the claim having been communicated, undoubtedly the Chairman had produced ſuch a paper; but when it was deſired to be copied for the purpoſe of remaining as a matter of authentic reference, an heſitation had been made.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* ſaid, that the paper for which he deſigned to move, as ſoon as the Report was agreed to, would ſufficiently evince the particulars of the claim.

Mr. Grey.

Mr. *Grey* aſked, whether the right honourable and learned gentleman meant to lay the letter of Lord Cornwallis before the Houſe when he opened his Indian budget.

Mr. Dundas.

Mr. *Dundas* declared that he had no heſitation to ſay then that he never would conſent to lay the whole of that letter before the Houſe, as it contained ſuggeſtions of political plans, which might or might not be adopted; and ſurely, before they were decided upon, one way or the other, it would be in the higheſt degree unwiſe to let them go forth to the world. When the day ſhould come, that he could ſtate the ſituation of affairs according to the laſt accounts, the reaſonings of Lord Cornwallis upon the ſtate of affairs in

India

India would be proper to accompany that ſtatement, and therefore he had no manner of objection to adhere to the expreſſion of "the accounts being ſhaped, fit for the Houſe, and to repeat, that when they were ſo ſhaped, he would bring them forward.

Mr. Smith. Mr. *Smith*, formerly Chairman of the Court, obſerved that there were various reaſons which made it neceſſary for the Court of Directors to demur with regard to payment. Among others, the claim was for 320,000 l. whereas in their auditors of accounts books 400,000 l. ſtood as the amount of the ſubſiſtence. This naturally called for examination; but he had no doubt that as ſoon as the matter was clearly made out, the Company would cheerfully pay the money, or any other demand which the Public might fairly have upon them.

The reſolution was read a ſecond time and agreed to, after which the Houſe adjourned.

*Tueſday, 24th April.*

The following ſtate of the Sinking Fund was laid before the Houſe, and the totals ſtand thus:

| | £. | s. | d. |
|---|---|---|---|
| Total charge on the 5th of January 1787, - - - - - | 1,518,187 | 7 | 7¼ |
| Surplus on the 5th day of January 1787, - - - - | 258,174 | 18 | 10¾ |
| | 1,776,362 | 6 | 6 |
| Total charge on the 5th day of April 1787, - - - - - | 1,351,680 | 18 | 3¼ |
| Surplus on the 5th day of April 1787, | 1,661,395 | 10 | 6 |
| | £. 3,013,076 | 8 | 9¼ |

Mr. Dundas. Mr. *Dundas* expreſſed his determination, in conſequence of what had paſſed the preceding night, that no exertion which could contribute to bringing the ſtate of the affairs of India before the Houſe, in the preſent ſeſſion, ſhould be wanting, and, with exertion, he hoped to be able to accompliſh it; but, in order to make the requiſite preparations, it was neceſſary for him to move for a variety of papers.

Mr. Dundas obſerved that Earl Cornwallis' letter conſiſted of thirty-nine paragraphs preceding the concluding ſection, for copies of which he meant to move; but as the laſt ſection, which was fraught with ſuggeſtions of plans and ſchemes, proper, in the noble writer's opinion, to be adopted by Government with regard to the future management of

affairs in India, would call for mature consideration before they were determined on, either one way or the other, those who had seen that letter must, he conceived, be aware that the section was improper to be made public. As, however, his wish was by no means to blink any part of the subject, but to give the fullest information, if any gentleman thought it requisite to call for the whole of the letter, he should not object to it, as he had rather submit to some inconvenience than have it imagined that any thing was kept back or refused, which would throw a material light upon the subject.

Mr. Sheridan

* Mr. *Sheridan* complimented the right honourable and learned gentleman on the candid manner in which he had expressed himself, but said, he should close with his latter proposal, as the section of Earl Cornwallis' letter in question, though it certainly contained some things which had better not be made public, was also replete with arguments and observations upon the facts stated in the preceding thirty-nine paragraphs, extremely material to their explanation.

The motions were all agreed to.

Mr. Francis

Mr. *Francis* rose with a newspaper in his hand, and said, that he neither meant to make a motion nor a complaint, but he hoped that he should not violate the order of the House, when he stated that there had that day appeared a most unfair and unwarrantable attack upon him, signed John Scott; and that he presumed the signature was that of a member of that House [Major Scott nodded]. By the honourable gentleman's gesture he saw that it was; he had therefore to say farther, that as it was an attack upon him grounded upon a newspaper's account of what he had said in his discharge of his parliamentary duty, and in the execution of a particular office imposed upon him in that House, he meant to have recourse to the laws of his country for a remedy, and indeed he had already retained counsel for that purpose, but as a real signature was annexed to the letter, he should not proceed against the printer*.

Major

*To* PHILIP FRANCIS, *Esq.*

SIR,

YOU have been pleased to complain, (if I may depend upon Mr. Woodfall) that you have been repeatedly attacked in prints and pamphlets, and often by the same person under different signatures. Such a complaint comes not with much grace from Mr. Francis, who, soon after his return from England, began to attack Mr Hastings anonymously. You have written at least four anonymous pamphlets since 1781. You have, however, made the complaints, and I will take care that you shall have no cause in future to glance at me, for whenever I may

Major *Scott* ſaid, that although the honourable gentleman (Mr. Francis) had made no motion, yet he hoped the Houſe would permit him to ſay a few words in reply. The honourable gentleman had thought proper to inform the Houſe that he had commenced a ſuit at law againſt him. What had the Houſe to do with that? When firſt the honourable gentleman

may find it neceſſary to mention your name, I ſhall have recourſe to the ſame public mode of addreſſing you as I uſe in this letter.

You have often declared that you retain no reſentment againſt Mr Haſtings.—It would be indecent and preſumptuous in me to offer a remark upon any thing that you have either ſaid or done as a member of Parliament; but when you deſcend from your ſenatorial dignity, when you commence pamphleteer, I have juſt as great a right to examine the juſtice of your remarks, as I have to expoſe the inconſiſtencies of your friend Mr. Burke.

You publiſhed your firſt Parliamentary Speech in the month of July, 1784, and in that pamphlet you ſay, "I ſhould be ſorry to be "ſuſpected capable of entertaining a ſpark of perſonal animoſity "againſt Mr. Haſtings. We are both of us men of tempers too "warm to be capable of retaining reſentments. Our conteſt is at an "end, and the hoſtilities it produced expired with it. Aſſuredly I feel "no enmity againſt him, and I readily acquit him of harbouring any "againſt me." There, Sir, were your ſentiments, eloquently delivered in the Houſe, deliberately written in your cloſet, and induſtriouſly publiſhed to the world. How far you was ſincere, I ſhall now proceed to examine.

Mr. Burke ſpeaks of you as one of the firſt pamphlet writers of the age, and as he is a gentleman of long practice as a pamphleteer, he muſt be deemed a competent judge of forcible and *gummy* compoſitions. I paſs by the firſt of your performances, becauſe it was written previous to the ſolemn declaration which I have quoted, but your "Ob- "ſervations on Mr Haſtings's Narrative," and on "his Letter rela- "tive to Preſents," were written laſt year; they were publicly ſold, and even ſent gratis to Peers of the realm. Your "Obſervations on "the Defence of Mr. Haſtings" was publiſhed this year. Will any man of honour and common ſenſe who reads them, affirm, that the perſon who wrote them was not actuated by a degree of perſonal animoſity hardly to be parallelled? Was it neceſſary, Sir, for the ſake of public juſtice, which you avow to be your object, that you ſhould endeavour to involve Mr. Haſtings with the firſt perſonages in the kingdom, and with all the various parties into which the kingdom is divided? I affirm, that you ſtudiouſly attempted to do Mr. Haſtings the greateſt injury that you could do him, when you declared unreſervedly, that the author of a celebrated pamphlet was educated "in the ſchool "of Mr. Haſtings." Had you joined in the preſent proſecution upon the great public grounds, by which you aſſert you are actuated, you could not have deſcended to the practice of ſuch arts; but having ſo deſcended, having publiſhed four anonymous pamphlets, it is wonderful indeed that *you*, of all men living, ſhould venture to complain to the public of being anonymouſly attacked in prints and pamphlets.

gentleman began his speech, he conceived that he was going to prefer a complaint of a breach of privilege, and that complaint he was ready to meet. What was the complaint of the honourable gentleman? That he had been calumniated for doing his duty as a member of Parliament. Was that the case? He denied it. The honourable gentleman had written

I shall examine a second contradiction in your opinions of 1784 and 1787.

In your speech of 1784, after declaring that Mr. Hastings's judgement does not travel quite so fast as his imagination, you add, "Undoubtedly he is a person of *uncommon abilities*. No man knows "them better than I do. No man has tried them more than I have "done." You proceed, it is true, to state instances in which Mr. Hastings has been duped by Indian Princes who, "though far inferior "to him in talents, have an advantage over him in other qualifica- "tions." Let it suffice to say now, that you were mistaken in all the facts which you adduced to prove your assertion. Moodijee Boosla did *not* form the confederacy against us in 1779. He gave the most unequivocal marks of his friendship for the English; and so far was Mr. Hastings right, and Mr. Francis mistaken, that the peace with Tippoo, which Mr. Hastings in December 1783 foretold would soon take place was actually concluded near four months prior to the day in which you pronounced with confidence that it was not "even in prospect."

But although you doubted Mr Hastings's judgement upon some occasions in 1784, still you allowed him to be "a person of *uncom- "mon abilities*." On Thursday last, if I may believe Mr. Woodfall, (for it would be improper to trust to my own recollection) you gave him neither judgement, nor abilities, nor talents of any kind; and you expressed, in very strong terms, the degree of surprise you felt, on your arrival in Calcutta in 1774, to find Mr. Hastings so deficient in abilities and judgement. Pray, Sir, am I to believe Mr. Francis in 1784, or Mr. Francis in 1787?

Were you and I to go into detail, the controversy would be endless: but there is one common-sense way of coming to a decision even with ingenious men on every point, however intricate it may be, for instance we may puzzle ourselves for hours as to receipts, balances, and remissions of the revenue for twenty years past; but let the actual nett receipts of a district be put before us, and we shall agree at once as to the most *profitable* mode of collecting revenues, though we may differ in opinion as much as ever as to that which is the best mode. The man whom you have *anonymously attacked* has, at least, had the merit of preserving an empire in a season of uncommon difficulty and danger. The men *with whom you act* were employed for seven years in accusing each other of dismembering the British empire, and involving the nation in difficulties and debts, from which even the resources of the country Mr. Hastings preserved can never free it: yet of such consequence is an Indian empire, that on Friday last a gentleman high in office, who has given a fresh spring to public credit, by his account of our finances, described our possessions in India as in a state of peace, security, and prosperity, as the most flourishing and important part of our foreign dominions, as the part from whence Great Britain had derived

written pamphlets; the honourable gentleman had published speeches; and from the moment they were published, and to be purchased, at eighteen pence each, he contended that it was perfectly free for him or any other person to comment upon them with as much freedom as they chose. What was the case in the present instance? He had been accused of calumniating the honourable gentleman in prints and pamphlets; and as he was determined the honourable gentleman should never in future have cause to make the same complaint, he had actually published the most offensive thing he had ever written relative to the honourable gentleman in the Public Advertiser, in order to give the honourable gentleman an opportunity of taking what steps he pleased, and he (Mr. Francis) had informed the House, that he meant to commence a suit against him in a court of law. In a court of law then he would meet him; but except there was a complaint of a breach of privilege, it was a business which could not possibly come before the House. The Major again declared

rived immense resources in times past, and might expect to derive still great resources hereafter.

I do not recollect that I have taken the liberty to mention your name in an anonymous publication, at least in a particular manner, more than once, and then it was in fact drawn from me by an ingenious statement of your own; and I shall now beg leave to repeat the substance of what I then wrote. In one of your pamphlets you gave us three ingenious calculations they struck me so forcibly, that I attempted a fourth myself. I published it as you did your pamphlet, anonymously. It was unworthy your notice; for it was too plainly marked for you to doubt from what "school" it came. I assure you, however, that Mr. Hastings was not privy to the publication of that letter; nor will he, or any other person, be privy to this that I am now writing, until it appears in the papers

It was my opinion (an opinion which I still retain) that the clause in Mr. Pitt's bill, which compelled gentlemen returning from India to declare the amount of their fortunes, was a good clause, upon this ground, that it tended to obviate the mistakes and prejudices which existed as to the enormous amount of fortunes acquired in India. The clause, however, was universally reprobated abroad, not because gentlemen were apprehensive of the consequences of a discovery, but for different reasons; they were truly conscious that they merited the approbation, not the censure of their countrymen, and they would not subscribe to the disgrace of being separated from the mass of their fellow subjects.

There are men, however, in certain situations from whom such a disclosure might come with great propriety, and Mr. Francis is one of this number. You have in a manner called upon Mr. Hastings to account to the world for the smallness of his fortune, and it would afford satisfaction to me amongst others to know how yours comes to be so large.

I have

declared that he disclaimed the most distant idea of attacking the honourable gentleman out of doors as a member of Parliament; but, as a writer of pamphlets, he had an undoubted title to answer the honourable gentleman, in a newspaper or pamphlet, as often as he thought proper.

Sir

* I have no means of discovering what you possessed prior to your appointment in the Company's service, but as you applied to the Court of Directors for the loan of two thousand pounds previous to your embarkation, which sum they generously lent to you, I may fairly presume that you neither possessed a landed estate, nor money in the funds, at that period.

As a member of the Supreme Council you could neither trade, nor receive presents, and I presume you did what every English gentleman does who has money, you annually took up your proportion of the Company's remittance. You received, as a servant of the Company, in six years and a half, — — — 65,000l.

*Per Contra*

| | |
|---|---|
| Repaid the Directors — — — — | 2000 |
| Expence of living, house rent, town and country, servants wages, &c. &c. for six years, at 5000l. a year | 30,000 |
| Contingencies — — — — — | 10,000 |
| Passage out and home — — — — | 2,000 |
| Expences in England for seven years — — | 8,000 |
| | 52,000 |

In my calculation, I have not followed your example. You allow Mr. Hastings eighteen thousand current rupees a month, and then wonder that he can spend so much. You have a town and a country house to pay for, which must have cost you 1400l. a year, and I have stated your whole expences but at 5000l. a year. If you lived upon that sum, you were a very admirable economist. The other charges are certainly not exaggerated. This would leave you thirteen thousand pounds, and it rests with you to prove how that thirteen was increased to sixty thousand pounds, which I was told by a friend of yours, who is dead, (and it is the fashion now to quote evidence of this kind) was the acknowledged amount of your fortune.

Suppose for a moment I were to argue as you have argued—You say, that when Mr. Croftes got his bullock contract, it was to provide for some concealed interest. When an old servant of the Company early in 1775 was deprived of the first office in Calcutta, in point of emolument, and when that office was given to a young writer, who lived chiefly in your family, what was the general opinion in Calcutta upon so flagrant an act of injustice? Was it not that this job was done to provide for some concealed interest? Yet the suspicion, as it affected you, may have been as unjust as I know your insinuation was respecting Mr. Hastings. I should be glad, however, you would explain to the public what pretension Mr. Livius, a writer, had to the post of military storekeeper, the first office in Bengal.

When Mr. Bristow was appointed Resident at Oude, through your influence, in November, 1774, the appointment might have been made upon the purest principles; but whether the suspicion was well founded

or

Sir *Gilbert Elliot* rose to give notice that on the ensuing Tuesday he meant to bring forward the subject of the impeachment of Sir Elijah Impey. Sir Gilbert

Mr. *Dundas* observed, that although he did not mean to object against the motion, he must entreat the honourable Baronet to recollect the period of the session, and that the Parliament was not likely to continue sitting much longer. As far therefore as his recollection served him with regard to the subject to which the honourable Baronet had alluded, it would be absolutely impossible for him to complete his purpose in the present session. He submitted it therefore to his good sense and candour, whether it would not be more ad- Mr. Dundas

or not, the fact is certain, that it was very generally believed you had an interest in Mr. Bristow's appointment.

When Mr. Mackenzie, in the month of April, 1780, after having held the opium contract for three years, obtained it for another year, in direct disobedience to the orders of the Court of Directors, at a moment when you had a majority in the Supreme Council, which you exercised very soon after, it might possibly have happened that you gave that gentleman the contract, because, according to your own principles, you deemed it bad policy to engage upon too low terms with any contractor. But how shall we reconcile it to common sense, or consistency, that you have condemned Mr. Hastings for giving the same contracts precisely upon the same terms to Mr. Sulivan? You know that your near relation, Mr. Tilghman, received eight thousand pounds from Mr. Sulivan for his share of the contract. Give the world one proof of your patriotism, and restore to the East-India Company the eight thousand pounds which you now seem to think was improperly obtained. Mr. Mackenzie was your intimate friend; Mr. Tilghman was your relation, they have both benefited by a contract, which you now condemn Mr. Hastings for having granted.

I am ready to allow that there is a certain degree of impertinence in stating a gentleman's expences, or in speculating upon the probable amount of his fortune; but you, Sir, have set me the example, and you stand in a particular predicament. You first began this species of anonymous scrutiny—I replied to it anonymously. You now complain of anonymous attacks in prints and pamphlets. I do assure you, Sir, I will never in future give you cause to make the same complaint against me.

I have the honour to be,

SIR,

Your most obedient, humble servant,

*Cavendish Square, April 22, 1787.* JOHN SCOTT.

P. S. That you may have been employed as a Clerk in the Secretary of State's Office, or in the War Office, many years ago, are facts of no moment, nor have they ever been disputed. These offices, it appears, did not afford you more than a subsistence, since you applied for pecuniary assistance to the Company when you were first appointed in their service.

viseable for him to postpone the whole proceeding to the next session.

Mr. Burke. Mr. *Burke* said, that no man was more in earnest than he was in the intended impeachment of Sir Elijah Impey, because a greater and more flagitious criminal did not exist than he conceived him to be, and the honour and character of the country, as well as of that House, were called upon to prove his guilt and make him an example. Sir Elijah had been sent out by that House to restrain oppression, and he had become an oppressor; he had been sent out to execute an office which depended upon evidence, and he had cut up evidence by the roots; he had been sent out to stem the torrent of corruption, and he had himself become a corrupter. Sir Elijah, therefore, in his opinion, deserved exemplary punishment: but when he adverted to the considerations stated by the honourable and learned gentleman, and when he likewise considered that he had himself been the means of enfeebling his honourable friend's cause, by stripping him of that assistance which the honourable Baronet was entitled to expect, and engrossing the abilities of so many gentlemen, by engaging them to take a share in the conduct of the proceedings against Mr. Hastings, he could not but join his sentiments to those of the right honourable and learned gentleman, and give the honourable Baronet that advice in public which he had before given him in private, to postpone the business till the next session, as he really thought there was enough of the same serious sort of proceeding already upon the hands of the House.

Sir Gilbert Elliot. Sir *Gilbert Elliot* answered, that he meant to repeat his notice for Tuesday next, unless he understood it to be the general wish of the House that he should not persist in bringing forward the motion of impeachment of Sir Elijah Impey this session. If the right honourable gentlemen connected with the right honourable and learned gentleman, who had recommended the postponement of the motion, declared they were not prepared to discuss it, and therefore desired that it might be deferred, he should think it his duty to comply with their request; but in that case he hoped that gentlemen, during the leisure of the summer, would turn the matter in their minds, and apply themselves to the subject, so as to be able to come prepared for its agitation early in the next session of Parliament. If no such wish was expressed by those to whom he alluded, he should persist in his intention of bringing the motion forward upon the Tuesday, being, as far as regarded himself, as fully prepared to enter upon its discussion then, as he could possibly be at any future period; but if, on the other hand, it was the general wish to postpone it, he hoped,

in complying with that wish, no blame on the score of delay would be imputed to him.

Mr. Chancellor *Pitt* remarked, that, considering the state of business in that House, ever since the honourable Baronet had first undertaken the prosecution, no man could blame him for his having hitherto delayed it, nor should he recommend it to him to think of entering upon it during the present session at all, as it was not probable it would last long enough to allow whatever proceedings might be adopted to reach any considerable degree of forwardness. [Sir Gilbert consented.] Mr. Chancellor Pitt.

The Chancellor of the Exchequer next observed, that, perceiving the House so full, he would take that opportunity of alluding to a subject of the highest importance in itself, and of the greatest novelty, which was likely to affect the most essential interests of this country, and which of all others required the greatest delicacy which could possibly be used in its discussion. An honourable Magistrate had given notice, that he should, on some day in the course of the ensuing week, make a proposition to the House concerning the establishment of his Royal Highness the Prince of Wales; but he had not thrown out any intimation of the specific object of that proposition. He was sure that it must be obvious to the honourable Magistrate, that a subject of such high importance, and one which the House would certainly not wish to enter upon at all, except on grounds of actual necessity, was not a fit one to be brought forward by surprise, which undoubtedly would, in a great measure, be the case, if they were to remain ignorant of the scope and tendency of the proposed motion, until the very moment in which it was to be moved. If then the honourable Magistrate still persevered in his intention of forcing the business forward, he hoped he would do it in a manner suitable to its vast importance.

Mr. Alderman *Newnham* answered, that he did not mean, as the right honourable gentleman had phrased it, to force forward the subject of the Prince of Wales' situation. It in fact forced itself forward; but he should have been extremely well pleased to have had the matter taken out of his hands by His Majesty's Ministers. As to the particular parliamentary form which it would wear, it really had not been decided upon by himself, but the jet of it he had no objection to state, as it was to rescue his Royal Highness from his present embarrassed situation. He believed that it was pretty well known that his Royal Highness was considerably involved in debt, and that he had, with a degree of magnanimity which did him infinite honour, set apart a very considerable portion of his income for the payment of his debts; but though it Mr Alderman Newnham.

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was extremely noble in his Royal Highneſs ſo to act, it was impoſſible for him to continue unrelieved, without being reduced to the alternative of living in a manner not equal to his birth and diſtinguiſhed rank, or to run farther in debt.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* conſidered it as rather ſingular that the honourable Magiſtrate ſhould have given notice of a motion before he had determined what that motion was to be; but as he ſuppoſed he would make up his mind about it before the intended day, and as he, for his part, could not venture to come to ſuch a diſcuſſion, except upon very mature reflection, he ſhould take another opportunity, before that day arrived, of once more requeſting a more ſpecific notification of the honourable Magiſtrate's intention; for certainly that which he had been pleaſed to give was by no means a ſufficient preparation for ſo very ſerious and delicate a ſubject.

Mr. Ald. Newnham. Mr. Alderman *Newnham* replied, that the ſum and ſubſtance of his motion undoubtedly would be, for that Houſe to reſcue his Royal Highneſs from his preſent embarraſſed ſituation, which he conceived that Houſe alone could accompliſh.

Mr. Fox. Mr. *Fox* obſerved, that he entirely agreed with the right honourable gentleman that it was indeed a ſubject of peculiar novelty; but ſo were the circumſtances which gave riſe to it; and it was alſo of equal delicacy; but as that delicacy would ariſe from the neceſſity of going into an inveſtigation of the cauſes from which thoſe circumſtances had originated, and as that muſt prove a painful taſk to the Houſe, and to every gentleman in it, he hoped that the buſineſs might be foreſtalled, and ſomething done in the interim to render it unneceſſary for the honourable magiſtrate to proſecute his intention.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* admitted, that the principal delicacy of the queſtion would lie in the neceſſity of inquiring into the cauſes of the circumſtances which were propoſed to be brought into diſcuſſion, and for that reaſon he would, from his profound reſpect for every part of that moſt illuſtrious family who were concerned in it, wiſh, if poſſible, to prevent diſcuſſion. The knowledge which he poſſeſſed on the ſubject, if the honourable magiſtrate ſhould determine to bring it forward, he would, however diſtreſſing it might prove to him as an individual, diſcharge his duty to the Public, and enter fully into the ſubject. But he ſtill hoped that the honourable magiſtrate would, on farther reflection, be inclined to think that there was nothing of that peculiar nature in the buſineſs which could render it neceſſary for him to go ſo far out of the eſtabliſhed courſe, or to juſtify that Houſe in adopting any meaſure which ſhould interfere

with

with a subject which had always been considered as one of the most uncommon delicacy.

The other business being dispatched, the Speaker called to Mr. *Fox*, who immediately

Rose, in order to make his motion for the repeal of the act imposing a tax upon retail shopkeepers, remarked, that he had never been forward in opposing taxes, because he thought it the duty of Members of Parliament to support Government in their measures of finance; but at the same time that he entertained the opinion, he thought it equally impolitic to adhere to it in the extreme degree, and on no occasion whatever, even though a tax should appear, after experiment and fair trial, partial and oppressive, to consent to its repeal. Under this impression it was, and upon a full conviction that the shop tax was a personal tax, unjustly levied from a particular description of men, that he should move for its repeal. The shop tax he had ever heard stated by those who defended it, to be a tax not upon the shopkeeper, but the consumer of goods sold by the shopkeeper; *that* he had ever peremptorily denied, and experience had proved beyond all possibility of doubt, that he was right in the denial. Mr. Fox proceeded to urge all the arguments which he had formerly brought forward, to prove that the tax was not in fact what it was called, but an additional tax upon housekeepers whose houses had shops annexed to them. He inveighed against (what he considered as) the particularly unjust way in which the tax pressed upon the metropolis and its environs, by stating, that the whole sum assessed for the shop tax amounted to 59,000l. seventeen of which were assessed for the city of Westminster alone, twelve for the city of London, and twelve more for the villages adjacent; so that the county of Middlesex paid forty-three parts out of the fifty-nine of the produce of the tax. Mr. Fox reasoned upon this statement, and declared that he could scarcely have imagined, considering the superior opulence of the city of London, compared to the city of Westminster, that the latter should have paid seventeen parts of the produce of the tax, when the former only paid twelve parts; nor could he, at first, believe that the villages in Middlesex paid another twelve, till upon inquiry he found, that under the head of villages was comprehended Marybone, High Holborn, Wapping, the out-parishes, and those non-descript districts which, though, accurately speaking, they were not parts of the three cities, if he might so denominate London, Westminster, and their environs, were generally considered as parts of the metropolis. He compared this against the proportion paid by the rest of the kingdom, and said, that though he could not be of opinion

Mr. Fox.

with those who thought that the representation of London, Westminster, and Middlesex should be exactly in the proportion of their payment of the taxes, yet that forty-three parts out of fifty-nine was so monstrous a disproportion, that every man who barely heard it stated, must be startled at it, and must feel conviction that the tax was most partial and unjust in its operation and pressure. Mr. Fox declared, that upon an examination of the assessment throughout the kingdom it would be discovered, that an hundred pounds was all which was assessed for some whole counties, and not above fifty for others. The partiality of the tax therefore was so palpable, that he could not see how the right honourable gentleman could resist the application for its repeal with any colour of reason or candour: he contended, that the favourite argument of the competition of shopkeepers, which had formerly been resorted to as a proof, that they would lay the tax on their customers, was not itself a proof that the consumer did not pay it, and consequently a confirmation of the argument that it fell totally on the shopkeeper. He complained against (what he considered as) the hardship of thus singling out one description of persons to pay a tax the rest of the subjects were exempted from, which argued the injustice of that House insisting upon continuing a tax, to which they did not contribute one single shilling. Unless the bankers were selected, members of Parliament could not be said to pay any thing towards it; and if bankers were assessed, what became of the argument of the consumers paying the tax? for surely it would not be pretended that bankers could lay any part of the tax on their customers. So far from shops being an advantage to the houses to which they belonged, in many instances they produced an opposite effect: he mentioned those houses with shops, which on account of their situation were let at high rents, and the shopkeepers of which hoped to assist themselves by letting lodgings. Every gentleman must be aware, that lodgings in houses without shops were deemed preferable to lodgings in houses with shops: in that particular, therefore, and in a variety of others, houses with shops were less proper to be loaded with an additional house tax than other houses. He contended that it was ridiculous to persist in saying that the consumer paid the tax, when the shopkeepers knew and declared, and were ready to declare on oath, that they paid it themselves. If the shopkeepers came again to the bar, and said, "we pay the tax, and as it affects us solely, we beg to be relieved from it;" would that House say, "No, you do not pay the tax, we pay it, "though you do not know it, and we choose to continue to "pay it?" It would be much better to give up the tax, and take

take ſome other, leſs objectionable and leſs objected againſt. The aſſeſſments were proofs of the ſtrenuous means reſorted to, in order to force the tax to become efficient, and were in many inſtances capricious and extravagant. Mr. Wells the ſhipbuilder's yard, and that of a wholeſale blockmaker for ſhipping, were aſſeſſed as a retail ſhop, becauſe ſome of the men ſold a few of the chips, and Greenland Dock was alſo conſidered in the ſame predicament, becauſe part of the ſediment and ſkum was ſometimes diſpoſed of. Mr. Fox ſaid, that though he knew the houſe tax to be a very bad mode of taxation, yet if it was thought right to lay an additional tax on houſes, he would recommend a general additional tax, as a more equitable meaſure, at leaſt than the ſhop tax. He concluded with moving for leave to bring in a bill to repeal the act impoſing a tax on retail ſhops.

Mr. Lambton. Mr. *Lambton*, ſpeaking next, remarked, that he roſe with great pleaſure to ſecond the right honourable gentleman's motion, yet not without the utmoſt diffidence; aware how inevitably he expoſed himſelf to the imputation of preſumptuouſneſs; how wantonly he tranſgreſſed the bounds of prudence, by ſo early an intruſion on the time and patience of the Houſe; and how improbable it was, that the weight of any of his argument could tend to the juſtification of ſo forward an appeal. He was, however, impelled, by ſtrong reaſons, to meet theſe difficulties, or, at leaſt, induced to throw himſelf upon the indulgence of the Houſe; an indulgence the more neceſſary, as he was ſurrounded by men of ſuch tranſcendent abilities, as were not to be equalled in the annals of Parliament. Yet ſo ſtrong were the motives by which he felt himſelf actuated, that the more cautious reſerve of prudence became warmed into this adventrous, and, he feared, arrogant preſumptuouſneſs: not, however, ſo arrogant as to hope or expect to be able to convey any conviction to that right honourable gentleman's underſtanding, but merely to impart to his own mind that degree of ſatisfaction, which it would naturally feel, by eaſing and diveſting itſelf of thoſe arguments, on which its own conviction was founded. In the firſt place, having received the particular inſtructions of his conſtituents, to ſupport the motion for the repeal of this tax, he could not content himſelf with merely giving a ſilent vote upon the occaſion. Having alſo the happineſs to concur with them in the opinion of its unjuſt partiality, he felt that his oppoſition to it could be neither too open nor too public. He muſt confeſs his inability to reſiſt the alluring opportunity of opening his lips, for the firſt time, within thoſe walls, with a remonſtrance againſt a partial, oppreſſive, and unjuſt meaſure; for ſuch was the tax in queſtion. Partial, oppreſſive, and unjuſt, it appeared

from what had been so ably and fully urged by the right honourable mover, from the various inquiries which he himself had been able to make, and from the various informations which he had collected. Could that right honourable gentleman (Mr. Fox) on any subject prove deficient in eloquence, had his arguments on this topic been less clear, less demonstrative than they had proved, the petitions (or, if he misnamed them) the instructions transmitted to their respective members, from a very great majority of the shopkeepers of London and Westminster, and of many other cities and towns in this kingdom; these of themselves (the majority of sufferers and supplicants) independent of all the aid of rhetoric, should incline that right honourable gentleman to its repeal. Yet, even such argument, however forcible, was not likely to weigh much with that right honourable gentleman, for one could hardly expect that the same Minister, who could disregard, nay, treat even with contempt, a majority of the representation of Great Britain, would deign to pay a greater degree of attention or consideration to the majority of but a particular and distinct body out of doors; yet, he trusted, that whenever he aggrieved, or as long as ever he persisted in aggrieving, any part of the subjects of this kingdom, he would find his ears assailed with their continual remonstrances and petitions for redress. To pretend to argue, that the weight of this tax fell upon the consumer, seemed absurd upon the face of it; for if it be thus done away among the multitude, that it falls upon the consumer, why should the shopkeepers persist in their complaints, or indeed have ever complained at all? Had we heard of similar complaints from hatters, from the glovers, and others which might be named? Certainly not—because there the weight of the tax fell evidently and indisputably upon the consumer, the receiving the stamp, and paying the duty on his purchase of either article; nor was it credible, that, in this instance, it could be possibly made to fall on the consumer, for almost every retail article was already separately taxed to its utmost extent, on which had been formed such an established price, as could not be departed from, without certain loss and detriment to the shopkeeper, either by a great diminution or total destruction of the sale and consumption of that article. No idea could be more erroneous, no argument more futile, than to suppose that it falls upon the consumer; the real truth being that it falls entirely and heavily on the shopkeeper. Mr. Lambton declared, that in many instances in this metropolis, he understood that it was exacted with a degree of cruelty and extortion. As such, it behoved the right honourable gentleman to consent to its repeal, or at least to step forward with such a modification of

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it, as might be more consonant to equity, justice, and impartiality. If, continued Mr. Lambton, in these times of general peace and tranquillity our people must labour under any grievous and oppressive tax, how dismal a prospect must they figure to themselves of grievances and oppressions, should they ever unfortunately be engaged in any future war? He would repeat, in any *future* war; for not infected himself with this new-fashioned Gallomania, which so strangely possessed the right honourable gentleman opposite to him, and his right honourable friends and supporters, he could not be so sanguine in his speculations as to believe war for ever out of the question, or to suppose a long and uninterrupted series of peaceful years the sure or certain consequence,—one of the many golden advantages to be derived from this new commercial connection. He, for one, could never subscribe to the implicit faith reposed in French professions, or rely on the mere *cobweb* tie of French sincerity. If then, he could be permitted to suppose, that we might engage in any future war, he would ask him again what the people must expect to suffer on such an event, if in these times of peace and tranquillity they are harrassed by any partial and oppressive tax? He, for one, should, on such an event, expect to see His Majesty's Chancellor of the Exchequer assuming and exercising the tyrannical power of a late Governor General of Bengal, and Great Britain exhibiting a scene of Oriental extortion and persecution. He should expect to see state necessity held forth as an authorized cover to all the wanton enormities and oppressions of some lavish, unprincipled and despotic Minister. He should hope that the right honourable gentleman would consider fairly and candidly the true case of the shopkeepers, and by no means look upon this as a motion carrying with it the sole view of embarrassing Government. He could assure him it was no motion of party, it was the petition of an oppressed body of men, of a body of men who have at all times and on all occasions contributed, and, doubtless, would, at all future times, contribute cheerfully their proportionate aid to the support of Government, and on that account, and on the account of justice and impartiality, they were entitled to the consideration of His Majesty's Minister and to the spirited interference of their own representatives. Mr. Lambton said, that he was as convinced as the right honourable gentleman himself of the necessity of taxes, and indeed of the necessity of their unpopularity, but he could not help looking on this as that weighty serious sort of unpopularity which is founded on real and actual injustice; and, for his own part, he should be much less inclined to oppose that tax, which being generally oppressive, is therefore *equaly* felt by all, than to oppose one

like the present, which being partially oppressive, is therefore unfair and unjust. If such was our situation, that we must submit to some hard and oppressive tax, he should think there was an equity in oppression by its being general. A right honourable gentleman last year said, that he would not consent to pluck the thorn from the sides of the shopkeepers, to fix it in the sides of his constituents in general; nor would *he*, had that thorn been fixed there casually or accidentally, or was it inherent in that particular description of men; he should only pity their misfortune, and refuse relief at such a price: but he most certainly would, when he considered that it was fixed there coolly and deliberately by this House, for the general benefit of the whole national body; he would always have the effect be general (at least in cases of this kind) whether good or bad, where the community at large are to be either the gainers or losers by it. Mr. Lambton expressed his fears, that he had already dwelt so long on this dry (though not uninteresting) subject, as to have made an abuse of that indulgence with which he had been honoured. He, therefore, concluded with intreating the House to consider fairly and candidly the real situation and hardships of the shopkeepers; with intreating that right honourable gentleman not to remain thus obstinately and pertinaciously wedded to his own opinion and measures, refusing to undeceive himself, merely, he believed, from the fear of being obliged to regulate his inclinations by his reason; with intreating him to give this one instance of his condescension; such an act would be only stooping (if it can be called stooping) to rise again higher, assured, that thus, far from forfeiting reputation, he would considerably add to his character and popularity.

Mr Chancellor Pitt.

Mr. Chancellor *Pitt* remarked, that the subject before the House had already been so frequently discussed that it was impossible for him to meet it with any new matter, and it appeared that the other side of the argument was equally exhausted; for, the right honourable gentleman who made the motion, had not been able to introduce any fresh reasoning absolutely applicable to the question, every thing which bore that appearance being only new colourings to old tenets or topics entirely foreign to the subject. He should not, therefore, be under a necessity of giving the House any great degree of trouble in going very much at large into the subject, as every thing which could be now said upon it, must be, in substance at least, if not in form and manner, a repetition of former arguments. Mr. Pitt said, that the speech with which the House had been last favoured was as remarkable for the elegance of the language as for the liberality of its sentiments. —There was one novelty, which he could not but take particular

ticular notice of, and that was the novelty of hearing an honourable gentleman for the first time of speaking in that House, contrive to adorn a subject in itself dull and uninteresting (uninteresting as a subject of debate, but not as a public measure) with so much eloquence and ingenuity. The House who had heard the honourable gentleman, would be convinced that the approbation he bestowed upon him, could not but be sincere, and the honourable gentleman who certainly had not seemed desirous of bribing his applause, must feel that it was impartial and disinterested; for however he might be pleased to discover talents, he certainly could not experience much satisfaction in finding their whole force levelled against him, and the system of his administration. He by no means wished to blunt the edge of the honourable gentleman's abilities, but he confessed he was sorry to see so much of party spirit mingle with the zeal with which he had exerted them. Mr. Pitt now went into the question, contending that the natural competition of trade was sufficient to protect the inferior dealer against the more opulent, even under burdens proportioned to their situations; for if this was not the case, the competition, without any such burdens at all, or under the old burdens of taxation in common with all other housekeepers, would have long since operated wholly to demolish the lower orders; whereas the competition under the present tax was rather favourable to those latter mentioned persons, because the tax rose upon the higher classes in more than an adequate proportion. The more opulent trader would not be satisfied with the same general profit as the poorer one, but would expect a greater profit, in proportion to his situation, his rank among other dealers, and his command of capital. This proportional profit was only to be had by vending a greater quantity of commodities. But the vending a greater quantity would not answer the end, if on each article, a small price was to be obtained. He never had suggested that a compensation for the tax was to be looked for by the shopkeepers in consequence of any general and uniform increase of their prices; but, each shopkeeper would naturally consider what article of his dealing was the most convenient for him to enhance, so as to bring him in an equivalent; and although the same article might not be chosen by another shopkeeper for the same purpose, yet there was no danger of his losing customers thereby; for, if it were found that on the general average the prices of both were equal, the buyer would, from motives of local convenience, resort to the same shop. And as to the argument, that if any compensation were to be made to the shopkeepers by the advance of their prices, it must be such an advance as would prove more oppressive on the public at large; to this he should answer, that although the compe-

tition of trade would not prevent their obtaining a proper compensation, yet it would render it unsafe to attempt at gaining more. The statement, as if it was a question between the shopkeepers and the members of the House, was, as far as the right honourable gentleman's (Mr. Fox) argument at all applied, between the shopkeepers and the whole body of the people of England, objectionable. As to himself, he did not repose that implicit reliance on the faith of foreign nations which was imputed to him; yet he was too well convinced of the happy effects of peace on this country, not to endeavour to secure its continuance as much as possible; and the best method of doing so was, to make it the interest of our neighbours to cultivate a good understanding with us, and also to preserve our strength and power as much in a state of defence as our situation would permit. The first of those was the object and motive of the commercial treaty; and it was certainly not the best way to consult the latter to give up hastily and on light grounds so considerable a branch of revenue as that now under discussion; and it was to be considered that by giving it up now, the House would in a great measure be plagued to abandon it for ever; and in any farther emergency would be tied up and precluded from having resort to it.

Sir G. Page Turner. Sir *Gregory Page Turner* said, as I have not troubled the House with my sentiments on any subject in the course of this session, I trust I may be the more readily allowed to suggest my ideas on the question now before this House. After the speech delivered by the Chancellor of the Exchequer last Friday, replete, as usual, with a display of oratory, and great knowledge of finances, scarcely to be equalled, but still more distinguished for its glad tidings—tidings that convey more grateful intelligence to our ears, than we have known for a long period of time—I mean, a respite from taxation.—It is, Sir, with great reluctance, I now rise to oppose any tax that right honourable gentleman has introduced into this House, sensible as I am, that it is by establishing those taxes, and those taxes only, he is now enabled to hold forth so flattering a prospect to this country.—But, Sir, it is not the principle of the shop tax, but its partial and baneful influence, which I reprobate. I could wish the right honourable gentleman would see the propriety of extending this act to every description of traders; so as that warehouses, as well as shops, may be included—and above all, that monied property, of every denomination, especially the funds and bankers, might be looked up to, not only as being very productive, but very little oppressive to the subject. By so doing, the Minister would draw a just line of equalization between the landed and monied interest of the kingdom. The Minister is not fond of taxing his

best friends, (meaning the bankers and stockholders)—as it would ill suit "beggars to become choosers," though a minister himself, must always be a beggar, when he wants to borrow money for the State. No member in the House wishes more to support public credit than myself, but not having digested the consequences of this bill at its first outset, I saw it in a more favourable light, yet voted accordingly; though having since that period conversed with, and collected the opinions of some of the most respectable and independent traders in the city and precincts of Westminster, whose opinions should always be venerated by every member of the Senate upon commercial occasions, I am now fully convinced of my error, and give my hearty concurrance to the present motion, unless the Chancellor of the Exchequer will adopt any modification to soften the proportion on the retailers, by rendering the tax general, or equalizing it in some other shape.

Sir *Benj. Hammet* said, that having, when the tax was originally proposed, been the first to point out the partiality of it, and sincerely wishing the repeal of this very obnoxious tax, he hoped the House would indulge him while he made a few observations, which he trusted would have their desired effect. The shop tax appeared to him to be a kind of capitation tax, and such a tax led very naturally to slavery, and was fit only for a despotic government. If the necessities of the state required it, there could be no doubt but they had the power to give all the houses of the kingdom for the preservation of the whole; but then their constituents should see that they gave their own houses with the houses of their constituents, which was their best security. Whenever that House acted otherwise, they clearly acted contrary to the true spirit of the constitution. He had, upon former occasions, declared himself an enemy to all the personal taxes; and as such, he had considered licenses when carried beyond regulation, and, he believed, since the revolution, they had ever been proposed as acts of regulation: duties on commodities were least felt by the people, as they were not demanded in form. Sir Benj. Hammet.

He earnestly implored the right honourable gentleman to recollect the administration of his right honourable friend (Mr. Grenville) who was a most worthy man, a most excellent friend, and full of integrity. The Minister would remember, that Mr. Grenville maintained that they had a right to tax part of the King's subjects distinct from themselves. His noble father (the Earl of Chatham) boldly declared that we had no such right; but Mr. Grenville's opinion prevailed, and the consequences which followed were well known and lamented; and, speaking politically, they had to regret the hour when that excellent man was born. It appeared to him that the right honourable gentleman

man (Mr. Pitt) possessed the principles of Mr. Grenville, and that another right honourable gentleman below him (Mr. Grenville) had on some occasions expressed the opinions of the Earl of Chatham. He thought one right honourable gentleman (Mr. Grenville) was tenacious of his opinion. He hoped the right honourable gentleman (Mr. Pitt) would prove otherwise, and consent to the repeal of this law, and bring in another bill upon a fair principle, laying the tax upon all houses in proportion. It would remove all objection as to the principle of the tax, and one quarter of the sum laid on the shopkeepers would produce more money; and such a tax would not be liable to abuse. The right honourable gentleman could not deny that the present tax might be carried to a horrid degree of partiality and abuse in future, if ever they should have a wicked or an obstinate Minister, and a corrupt Parliament. The present case might be the case of others. If they did not endeavour to rescue one part of their fellow subjects when partially oppressed, it appeared to him that they acted unwisely, as a man would do who saw his neighbour's house on fire at some distance, but refused his help till it had reached his own.

Sir Benjamin declared, that he had ever been ready to support the King's servants, since he had had the honour of a seat in Parliament, and in all measures which appeared to him to be for the good of the country; but he trusted that he should do, as he had hitherto done, oppose measures which appeared to him to be contrary to the spirit of the constitution. He voted against this tax as partial and cruel, and he should hold it his duty to oppose any tax, if that House was not clearly included in the principle of the tax, and which would prevent the possibility of abuse.

Mr. Mainwaring.

Mr. *Mainwaring* argued for the repeal of the tax, declaring, that the peaceable conduct of the shopkeepers had great merit, and ought to entitle them to the favourable countenance of the House. There was not the smallest portion of party feeling, or opposition to Government in their motives, a fact sufficiently apparent from their behaviour at a populous assembly convened for the purpose of instructing their representatives, and at which the right honourable gentleman opposite to him (Mr. Fox) was present. That right honourable gentleman, in the course of his speech, had dropped an expression which seemed to bear hard on the Minister, and it was instantly noticed and reprobated by the meeting as foreign to their business and inclinations.

Mr. Alderman Sawbridge.

Mr. Alderman *Sawbridge* urged the absolute impossibility of the shopkeepers' imposing the tax on the consumer, by distributing it in small proportions on his goods.

Mr.

Mr. Alderman *Newnham* remarked, that, beaten as the path was, he was obliged to pursue it, as the same objections naturally recurred to the same point. The Alderman then repeated his former objections against the tax, as extremely partial and unjust, and said, that the shopkeepers of the metropolis, instead of regarding the modification of the last year as any argument in their favour, considered it as clinching the nail completely, since it exonerated the country shopkeepers in a great degree, and thence the more evidently proved the partiality of the tax with regard to them. Mr. Newnham took notice that last year an honourable member, a banker, had stood up, and desired that bankers might be taxed as well as other shopkeepers. Not wishing to be so taxed, he had declared as much, and asked, if a meeting of bankers had been holden, and the honourable gentleman, who had been a banker some months before he was, was authorised by that meeting to desire that the tax might be extended to bankers? The right honourable gentleman opposite to him had at that time, in direct terms, declared that he never meant that bankers should pay to the tax, and yet, upon the reference of the surveyor, or officer appointed to collect the tax, to the Judges, they had declared bankers liable from the words of the act of Parliament, which the Alderman said were so vague, indefinite, and general, that they might be extended almost to every profession in life. The right honourable gentleman ought to declare effectually what the real meaning of the application of the tax was, if he was determined not to consent to its repeal.

Mr. Alderman Newnham.

Sir *Watkin Lewes* observed, that having had the honour the last session of Parliament to move for the repeal of the two acts of Parliament, imposing a tax upon shops, he begged leave to trespass upon the patience of the House for a few minutes. He was glad that the right honourable gentleman, possessing much superior abilities, had then made the same motion, as he had done more justice to the cause of the shopkeepers, who were partially and oppressively taxed; and he could not but take notice of the levity with which a subject of so much consequence was treated, and especially a respectable body of men, who came there to pray relief against a very severe oppression which they laboured under from an act of the Legislature. There was something singular in the debate; for the defence of the measure lay wholly with the right honourable gentleman (the Chancellor of the Exchequer) who had contended upon speculative ideas, though contradicted by the uniform testimony of the traders who had appeared at the bar last year. If the experience of the operation of the tax had not confirmed that testimony, and proved it to the conviction of the members of that House,

Sir Watkin Lewes.

House, why did not some gentleman get up and support the Chancellor of the Exchequer, instead of contenting themselves with giving a silent vote? He must beg leave to remind them, that the last division in that House against the tax was very considerable; and he had no doubt that it would prove greatly increased from the reflection that it was an unjust, partial, and oppressive measure. It had been insinuated that the motion for repeal had originated in a spirit of opposition. He desired to contradict that opinion, as all parties in one of the greatest meetings assembled in the city of London had expressly declared otherwise, and he thought it both wise and politic to repeal it.

Colonel Norton spoke in favour of the repeal and of the shopkeepers.

Sir James Johnstone

Sir *James Johnstone* said, he had been a voter for the tax on account of the legal murder of the hawkers and pedlers which it occasioned.

Mr. Drake.

Mr. *Drake* complimented the Chancellor of the Exchequer on his good intentions, and said, he had generally supported him; but he really thought, all circumstances considered, the tax should be repealed. Mr. Drake quoted Mons. Necker's expression, "that the happiness of the people "ought to be consulted by every Financier, as well as the "exigencies of Government," and recommended it as well worth the notice of the right honourable gentleman.

Mr Alderman Le Mesurier.

Mr. Alderman *Le Mesurier* contended for the repeal of the tax, and advised the members to act disinterestedly, and give up the right of franking letters in order to make up the deficiency which the repeal would occasion. The abolition of the right of franking he estimated at one hundred and sixty thousand pounds, and accounted for his large estimation, by reminding gentlemen of the great number of letters which they franked for other people.

Mr. Alderman Watson spoke for the repeal.

Mr. Henry Thornton

Mr. *Henry Thornton* declared, that the shopkeepers would persist in their application year after year, till they could obtain a repeal. The House had better, therefore, with a good grace, give up the tax at once.

Mr. Fox.

Mr. *Fox* said, that what had fallen from an honourable Baronet, relative to what the honourable Baronet had called the *legal murder of the hawkers and pedlers*, reminded him of a matter which he meant to have taken notice of in his first speech, but it had accidentally escaped him. The idea of abolishing the hawkers and pedlers had originally been held out as a sort of boon, or douceur to the shopkeepers, to induce them to submit the more readily to the payment of the shop tax, but as gentlemen might recollect, the idea was afterwards departed from and given up, and only a slight regulation

lation respecting hawkers and pedlers had taken place. Had they, however, been abolished entirely, the circumstance could not have proved beneficial to the shopkeepers of London and Westminster. It was therefore extremely unfair to urge the operation of the measure taken respecting hawkers and pedlers as argument against the shopkeepers.

The question was at length put, and the House divided,

Ayes, 147—Noes, 183

The House adjourned.

*Wednesday, 25th April.*

The order of the day being, upon motion, read, that the bill relative to the St. George's, Hanover-square, poor-house bill be read a second time, counsel were called to the bar, and Mr. Erskine opened as counsel against the bill: he proceeded to call evidence, when he was interrupted by

Mr. *Dundas*, who moved that the counsel might withdraw, for the purpose of letting Mr. Burke bring up the articles of impeachment against Warren Hastings, Esq. Mr Dundas.

Mr. *Powys* thought Mr. Dundas's interposition extremely irregular and unwarrantable. He asked why the right honourable gentleman had assumed the authority of stopping a proceeding in its progress? Mr. Powys

Mr. *Dundas* replied, that he affected no improper authority; that he had interfered at the instance of a right honourable gentleman in a way by no means unusual, and that he had imagined gentlemen, from a principle of mutual accommodation and convenience, would not have had the smallest objection to suspend the proceeding then in progress, to admit the matters of more urgent business to take precedence. Mr. Dundas.

Mr. *Hussey* said, that when any order of the day was read and entered upon, the proceeding ought not to be interrupted. Mr. Hussey.

Mr. *Dundas* answered, that what had happened would in future induce him to be extremely cautious what motion he made at the suggestion of another gentleman, but that there were many precedents for acting as he had done. Mr. Dundas.

Mr. *Burke* declared, that although he had the greatest respect for the honourable gentleman who had objected to the motion for the counsel to withdraw, he could not agree that it was either unprecedented, irregular, or improper. With respect to the right honourable and learned gentleman's saying he would take care at whose suggestion he made any such motion, he thought there was no ground for his imagining that he had acted wrong in adopting his suggestion, and that at least he might have been silent till he had heard him join in Mr. Burke.

in his censure. Mr. Burke made his bow, and went immediately to the bar, and, upon the question being put, brought up the articles of impeachment, which were read *pro forma* at the table.

Mr. Chancellor Pitt moved that they should be printed.

Mr. Burke. Mr. *Burke* said, he had not found a precedent for printing them, but that he had no objection. He gave notice, that he should move for their being taken into consideration on the ensuing Thursday.

Mr. Chancellor Pitt brought in the post-horse-regulation bill, and moved that it be read a first time.

Mr. Marsham. Mr. *Marsham* said, he had been in the House when the right honourable gentleman had moved for leave to bring in the bill, and at that time an honourable gentleman had called for an explanation of the nature and tendency of the bill, but the right honourable gentleman had not deigned to give him an answer. He hoped, that the right honourable gentleman would state to the House what the nature and tendency of the bill were, as he should otherwise think it his duty to oppose it.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* declared, that he had not the most distant intention to treat that House with disrespect, or to refuse to give an answer to any gentleman who might wish to put a question to him on a public subject, but that when he had moved for leave to bring in the bill, he had thought it premature to go into any explanation of it before it was in the possession of the House; and gentlemen, by its perusal, might judge for themselves as to its propriety and expediency. With regard to his present motion, it was merely for the first reading of the bill, and surely gentlemen were not so fond of debate, as to contest the first reading of a bill, ordered by the House to be brought in. Gentlemen were uncommonly hostile indeed, if they would not wait till they heard the bill read, and thence knew its contents, before they contested it; but if such was their determination, he had no objection to postpone his motion till the next day.

Mr. Dempster. Mr. *Dempster* said, that although it was unusual to oppose a bill at the stage of its first reading, he believed it was not irregular. It had been his intention to state his objections against it, and therefore he wished that the right honourable gentleman would wave his intention of moving that it be now read a first time.

The matter being adjusted, the resumed order of the day was read, and counsel were again called to the bar, when Mr. Erskine and Mr. Fielding proceeded to examine their witnesses, on the St. George, Hanover-square, poor-house bill. As soon as they had gone through their evidence and arguments,

Mr.

Mr. Jarvis moved that the bill might be committed.

Mr. *Drake* declared, that whilst he trespassed upon the attention of the House, he was not governed, in the delivery of his sentiments, by any interest in the business, but upon motives of humanity. He had that day, with a friend, visited the Poor-house in Mount-street, and had there seen the inhabitants in the most miserable situation; the house, every corner of which realized the expression of the poet, *plurima mortis imago*, was very improper for the reception of those unhappy creatures, who were heaped together in a manner which increased their maladies and afflictions. He justified the proceedings of the select vestry for the management of the poor in the erection of a new house for their reception: that vestry, men of the highest rank in the country, and men of independence, could not be suspected of any unfair motives; they had acted solely for the benefit of the poor, for whose relief they had opened their hearts and their purses. The house at Paddington was the most eligible spot; it was healthy and convenient, and had been purchased at a fair price. The burying ground at Pancras, which the petitioners had thought most proper for a place to erect a workhouse, was certainly the worst, and sending the poor there was the best receipt for the purpose of getting rid of them; for the damps would soon destroy them by agues. He concluded by observing, that as he was persuaded that the select vestry had acted from the purest motives of benevolence and humanity, he should give his vote for the commitment of the bill. Mr. Drake.

Mr. *Fox* said, that the question before the House contained no principle of humanity; it was not, whether the poor should or should not be better provided for, but whether an illegal mode of taking the money from the pockets of the parishioners of St. George, without their consent, should be sanctioned by Parliament. If it could be proved that the house in Mount-street was not proper to contain the poor, or that the ground at Pancras was not fit to erect such a building upon, a bill might be brought into Parliament to give powers to the parish for erecting a suitable building; but he could not agree for a bill to pass for the purpose of legalizing an illegal act. The select vestry had disposed of the money of the parishioners not by law; the parishioners objected to the disposal, and had commenced a suit in the lower courts, and now, while such suit was pending, a bill was brought forward to sanctify the measure of the secret vestry, which would preclude that inquiry. It was not proved by the evidence, that the House in Mount Street could not be made fit for the accommodation of the poor; but, on the contrary, Mr. Wyatt had said that he could enlarge Mr. Fox.

enlarge it. The situation was far from unhealthy, being within one or two hundred yards of Hyde-park wall: the ground at Pancras, which was stated by an honourable gentleman (Mr. Drake) to be too unhealthy to build on, was surrounded actually by buildings, and occupied by persons for the benefit of their health; but if it had been proved that the house in Mount Street was improper, and that there was no place in the parish of St. George upon which a workhouse could have been erected, he then would have given the bill his negative. Let it be proved that such is matter of fact, and then let a bill be brought in to give powers for the purchasing a proper place for such erection. The people of the parish were jealous of the disposal of their money, as it was appropriated by a select vestry, who were not elected by the parish at large. The petition was signed by 1669 persons, and ought to have great weight. It would not be supposed that he meant to insinuate any misconduct or any blame to the select vestry, the members of which were men of the most distinguished rank, among whom were many of his friends, and he believed he needed only to mention the name of the Dukes of Portland and Devonshire, and Earls Fitzwilliam and Radnor, to convince gentlemen that he had no intention to speak invectively of that committee, who certainly did honour to the parish, and he doubted not but many of the parishioners were proud of the honour, but they paid dearly for it. It was not likely that a vestry so formed should act mercenarily; but they might not attend, and those to whom they delegated power might make exorbitant advantages. There were parishes in the neighbourhood of St. George which had more poor, who were maintained at less expence, and it was therefore very natural for the parishioners at large, and very reasonable, that their jealousy should be roused. Mr. Fox concluded by observing, that however arguments might be strained, they could not make it appear that the bill was any way implicated with the question of humanity.

Mr. Powys. Mr. *Powys* did not believe that the petition had been read to those who signed it: he then entered into a justification of the select vestry, and concluded by saying that he should give his vote for the bill.

Mr. Montague. Mr. *Montague* observed, that it was a dangerous proceeding of the Legislature to legalize illegal acts; but if ever such a measure might be adopted, it was in such a case as the present. The select vestry had undoubted acted illegally, but it was from the purest motives; it was in the cause of humanity: their rank, character, and fortune must raise them above the suspicion of adopting any job, which other vestries by their connections might embrace. He concluded

cluded by saying he should give the bill his support, and be happy to see other gentlemen equally forward with the members of the select vestry in undertaking the management of the poor of their respective parishes.

Sir *James Johnstone* remarked, that the House had been told that the select vestry was composed of Dukes, Lords, and others high in rank, and it was acknowledged by themselves that they had acted illegally; for that reason he would vote against the bill—Dukes and Lords should shew an example by not acting illegally; instead of which they first transgressed the laws, and then brought in a bill to legalize their illegal acts; for such a measure he never could give his vote. Sir James Johnstone.

Mr. *Burgess* said, that he should oppose the bill, because it interfered with an inquiry instituted in the courts below, to whose decision it was left, whether it was or was not necessary for an additional workhouse to be erected. He doubted not the amiable motives of the select vestry; but contended, that their integrity and their independence might render them (though they themselves would undertake no job) open to the imposition of others. It was evident that many jobs had been made in the parish, and those of the most flagrant nature; and for a proof thereof, he would only state what, though not delivered in evidence at the bar, was in evidence by the returns made on oath to the House in consequence of Mr. Gilbert's Poor bill: by those returns it seemed that, on an average of three years, the money raised for the support of 3037 poor in the parish of St. George, amounted to 12,912l. 11s. 4d. while the parish of St. Martin, which was a poorer parish, and actually had maintained 5174, had raised by common vestries no more than 9780l. 3s. 3d. It was plain, therefore, that there was not œconomy in the parish of St. George; for though they had maintained considerably less poor, their annual expenditure amounted to 3132l. 8s. 1d. more than of St. Martin's, which had but one workhouse. Mr. Burgess.

The question was then put, and the bill committed, on which the House divided,

Ayes 44 — Noes 16 — Majority 24.

The House adjourned.

*Thursday, 26th April.*

Mr. *Rose* brought up the bill for farming the tax on post horses, which was received by Mr. Hatsel, and delivered to the Speaker, when Mr Rose.

Mr. *Marsham* declared, that if the right honourable gentleman really would not condescend to give the House some infor- Mr. Marsham.

information as to the extent of the frauds which he had said were practised, the deficiency which they occasioned in the given account of the revenues arising from the tax on post horses, the principles on which the proposed alteration was founded, and the reason which the right honourable gentleman had for supposing the proposed alteration would prevent the continuance of frauds in future, and increase the efficiency of the tax by swelling its produce, disagreeable as it might be for him to engage in such a measure, he should think it his duty to object even to the bill's being read a first time.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* expressed his concern and surprise to see the anxiety with which gentlemen desired to anticipate a debate upon the subject, before the bill had been read, and consequently before any proper judgement could be formed upon it. Since, however, there seemed to be so great a wish to enter into it at the present stage, he would certainly endeavour to give them satisfaction. It was a matter of notoriety, that the duty, in its present mode of collection, was most flagrantly evaded, and although every individual who by law was liable, did in fact pay it, and of course a very great sum was levied on the Public, yet there was a large proportion of that sum, which, from the frauds of the collectors, and the collusion between them and the innkeepers, never found its way into the Exchequer. He applied himself particularly to the experience of gentlemen themselves for the truth of this fact, as they all knew perfectly well that the innkeepers never failed to exact the duty from them, whereas it was equally notorious, that in many instances, they sunk it on the revenue. To correct so great an abuse, and to secure to the public the receipt of that money which the individual was thus obliged to pay, it was certainly necessary to put the duty under some new regulation;—that mode of regulating which he was induced to suggest was one to which, compared with the present, there could, in point of revenue, be no possible objection, because there was a certainty of its bringing in a sum equal to that already paid, and nearly, whatever over and above that, was the sum of which, in the general opinion, the revenue was defrauded; for the several districts were to be put up to public auction, and that, at the present amount received in each, at the highest rate it had ever produced, and of course nothing could be lost; and as, doubtless, there would be many candidates for the several districts, they would rise one upon the other, till they brought in near what might reasonably be expected to be the full value of it. He had heard it objected, that there was something in the principle of such an establishment repugnant to our constitution, and to the general system of our revenue, but he could see no well-founded reason for such an idea. It was true that such a principle did

universally

universally and generally obtain in some countries more subject to despotic and arbitrary forms of government than ours, and perhaps some degree of oppression might arise from the manner in which that principle was carried into effect: but those oppressions were not to be attributed to the system of farming the revenues, but to the form of government, which of itself would naturally lead to arbitrary and oppressive modes of collection, under any system of revenue which might be adopted. In those countries there was not, as in this, a Parliament jealous of the rights and liberties of their fellow subjects, and able to protect them; there the farmers were invested with their powers by the crown singly; whereas here, without the consent of Parliament, no such powers could be given, even if a Minister were desirous that they should be granted. As the duty at present stood, there were certain powers given for the collection of it, and there were no greater powers to be given to the farmers than those which the present collectors were in possession of, and of course, if no oppression could now be exercised, and he had heard no complaint of any, there could be none under the new regulation. With respect to its being an innovation in our revenue system—that, he contended, was not true, in fact. To prove that such a system was not a new one, he stated two instances in which it had already been adopted. In the first place, he recurred to the turnpike duty, which, he observed, was of all other duties, the most analagous and correspondent in its nature, and the mode of its collection to that under discussion. There was inserted in every turnpike bill a clause, empowering the trustees to let the tolls to farm. It might be objected against this precedent, that the object of the turnpike duty was different from that of post horses, being calculated for the purpose of keeping the roads in repair, whereas the other was a tax for the purpose of revenue, but he trusted that no weight would be allowed to such a distinction; for unquestionably if Government were to take it on themselves to repair the roads, and a toll were to be levied as a branch of revenue, there could in that case be no argument against farming that toll, which would not apply exactly in the same degree against the present custom. The other instance he adduced was, that of the cross posts, which had been for many years let out to Mr. Allen, the gentleman who first suggested them. People seemed alarmed at the proposal, from an apprehension that it might be extended still farther, and that other branches of the revenue might hereafter be made subject to a similar regulation: but he desired gentlemen to consider whether there was not something in this tax which rendered it peculiarly proper to be put under that system, and if the House approved of the system upon that principle, its peculiar applicability to the particular

particular subject, was there any fear of introducing a dangerous precedent; for as there were many of the branches of the revenue to which such a system would by no means be applicable, could it possibly be argued that because the principle had in one case been adopted, because it was peculiarly applicable to a peculiar case, it should therefore be extended to other cases in which it was with propriety not applicable at all? He earnestly wished that gentlemen would suspend their judgements on the subject until after the bill should be printed, when they would have had time to consider its tendency and operation, which, he was persuaded, would appear so free from those objections which were advanced against it, that it would be universally received as a most desirable regulation.

Mr. Marsham.

Mr. *Marsham* affirmed that he did not imagine that he had at any time discharged his duty more properly than in objecting to a mode of collecting the public revenue so repugnant to the principles and practice of the constitution. He must therefore persist in opposing the proposed measure; nor did he think that the right honourable gentleman had sufficiently established the necessity of it. Mr. Marsham took a view of the returns of the produce of the tax for the last four quarters, and said that it appeared from thence that the tax was a growing tax, for that the last quarter's produce exceeded the produce of the same quarter in the last year in the sum of nine thousand pounds. He could not think of imputing it to have been by design, and that with a view to strengthen the argument in favour of the proposed alteration; but it looked a little like it, when gentlemen recollected the manner in which the additional expence of the day ticket was settled, when the additional duty of a halfpenny per mile had been laid. The day ticket was eighteen pence originally, and when the halfpenny per mile additional was laid, gentlemen might naturally suppose the addition to the day ticket had been ninepence, but the fact was, it was no more than three pence; so that an error, glaring as that was, tended to diminish the produce of the tax, by inducing gentlemen to take day tickets instead of paying the duty by the mile. The horse tax had been a tax proposed by the noble Lord in the blue ribband, and he verily believed that it was likely to prove an increasing tax. He wished therefore that the right honourable gentleman would rather propose alterations in the mode of collecting his own taxes, than those of the noble Lord. The time of proposing the alteration he also thought suspicious, since it was after the worst and least productive, and just upon the eve of the best and most productive quarter of the year. Mr. Marsham grounded much of what he said upon the paper, stating the account of the four last quarters,

ters, which he held in his hand. He admitted that from what the right honourable gentleman had said, it did not appear that the suffering the post-horse tax to be farmed would prove the [illegible] either of much abuse or of much oppression; but [illegible] gentlemen would consider that it established the precedent of farming the public revenue, and who could say that the precedent might not be holden up in future times, as a justification by a bad and wicked Minister, for a gross violation of the constitution. All bad practices have been grounded on precedents, most of them first introduced on plausible reasons, and where the ground of objection was weak in almost every other instance, but the propri[illegible] guarding against the letting in the precedent. Mr. Marsham declared that he had, on all occasions, endeavoured to prove himself a friend to the Revenue; but when it should come to be a question which of the two should be given up, the revenue or the Constitution? he certainly would much sooner abandon the former than the latter, and therefore he should think it his duty to oppose the present bill.

Mr. *Bastard* conceived that some proof ought to have been laid before the House, that the frauds talked of by the right honourable gentleman did actually exist, before such a bill had been proposed as that just introduced, and probably an authentic return of the number of horses kept by the various innkeepers throughout the kingdom, for the sake of letting them out to travel post, with the average number of miles which those horses might fairly be supposed to travel every day, would enable the House tolerably well to judge how much the horse tax ought to produce, if faithfully collected and paid into the Exchequer, and whether there was a deficiency sufficiently large to make an alteration in the mode of collecting the tax absolutely necessary. Yet the right honourable gentleman had himself said, that the Public did pay the tax individually, but that after it had been so paid, it did not find its way into the Exchequer. If the fact were so, it only proved that the Board to whose management the right honourable gentleman had entrusted the collection of the tax, were not sufficiently alert, and that they ought to take means to remedy a neglect which lay wholly with themselves. When the bill should be fairly and completely before the House, he could say, whether he should oppose it or not. There were various lights in which it struck him that the bill would prove highly objectionable: one was, the letting the different districts to different persons, which might tend to diminish rather than increase the revenue. Mr. Bastard explained himself by putting the case, that there might be two roads to the same place, but in different districts, but that only one of the roads might be in a district farmed, Mr. Bastard

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and the other in a diſtrict remaining in the hands of Government. In that caſe the farmer might, for the ſake of increaſing his income, by increaſing the number of perſons who travelled the road in his diſtrict, conſent to take but two-thirds of the duty from each traveller, and thus draw all the travellers his road, which would neceſſarily diminiſh the revenue received by the Public. As to the comparing the farming the poſt-horſe tax to turnpikes being farmed, he did not think there was the ſmalleſt analogy between the two, becauſe the one was a private and the other a public concern, and every gentleman muſt ſee there was a wide diſtinction between ſuffering men to do as they pleaſed with their own private concerns, and farming the public revenue.

Sir Joſeph Mawbey.

Sir *Joſeph Mawbey* remarked, that when he had firſt heard of the meaſure, he felt the ſame objections as thoſe ſtated by the two honourable gentlemen; but the fair and candid explanation of the nature and tendency of the bill given by the right honourable gentleman (the Chancellor of the Exchequer) had removed his apprehenſions, and convinced him that it was a meaſure not likely to be productive of any bad conſequences; and therefore one which he might ſafely ſupport. It had been his lot to have much to do with letting the tolls of a neighbouring county, and he knew from experience, that the letting them to the higheſt bidder did very conſiderably increaſe their rents. He inſtanced the turpikes of a particular truſt in Surry, which had lately been put up to auction, and they gained four hundred and fifty pounds in addition to the ſum given for the ſame tolls at the laſt letting of them. He ſtated other inſtances of a ſimilar tendency, and ſpoke of the horſe tax being pocketed by the innkeeper as often as he let out his horſes to travel poſt acroſs the country, where there was not any turnpike.

Mr. Drake.

Mr. *Drake* declared, that as he had lately thought it his duty to oppoſe a tax, he was a little anxious to riſe and ſupport the right honourable gentleman on the preſent occaſion, being always happy when he could reconcile it to himſelf to give him his ſupport. He really thought the analogy between farming the poſt-horſe tax and farming the tolls of a turnpike was not very wide; and he could ſay from perſonal knowledge, that putting the latter up to public auction was attended with very beneficial conſequences. He had very lately been concerned in letting the tolls of the turnpikes of the truſt of the roads near his place of reſidence, and they had (as the honourable Baronet ſtated in the inſtance to which he alluded) had a conſiderable advance, and been thence enabled to make the road moſt excellent, as all gentlemen who did the truſtees the honour to travel that road would experience. With regard to the explanation of the nature of

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the bill in question, as given by the right honourable gentleman, he really thought it perfectly satisfactory, and as he was of opinion, that to be called what the right honourable gentleman had called the honourable gentleman below him (Mr. Marsham) the preceding day, viz. a supporter of the revenue, was to receive the highest possible compliment, he should, on this occasion, endeavour to deserve such a compliment, and therefore he must differ, though not from any discourtesy, from the honourable gentleman below him.

Mr. *Rolle* declared that he should support the measure, though if he thought it likely to affect the constitution in the smallest degree, no gentleman would have been a more determined opposer of it. He had opposed [illegible] measures, because he conceived them to be unconstitutional, and likely to injure both Church and State. With regard to the sentiments of his honourable colleague, they generally did him great credit; but, on the present occasion he could not help differing from his arguments. Upon the other hand, the inn-keepers had agreed with each other to sink the [illegible] upon the back, or return carriage, although [illegible] neglect to pay it, which was undoubtedly a [illegible] to the revenue, and called for a remedy. Mr. Rolle said, that in supporting the bill, he thought he should be complying with the wishes of his constituents who had expressly declared, that before new taxes were imposed, their desire was, that the Minister should be supported in adopting such measures as were most likely to make the existing taxes efficient and productive.

Mr. *Dempster* declared, that he should not think he did his duty, unless he were to object to the bill, even in that first stage of it. He considered the farming the revenue as a measure so foreign to the principles of the constitution, that it was seriously alarming to his mind, and called for immediate resistance. Mr. Dempster urged the danger which might, in his opinion, result from farming the post-horse tax, and declared that it would, in all probability, lead to the grievous oppression of the subject. Our revenue laws, as they stood, enforced with all the rigour of which they were capable, would of themselves be intolerable; but the discretion and mildness with which the several Commissioners of the Customs, the Excise, the Stamps, and the different Tax-office Boards, carried them into effect, was what enabled the subjects to pay so much money as they did. Would that House therefore so far depart from their duty as to put it in the power of farmers of the revenue to grow inordinately rich, at the expence of the ease and happiness of the People. Sudden upstart fortunes were always matters of envy and detestation; and were the subjects unnecessarily to be morti-

Mr. Rolle.

Mr. Dempster.

fied with such a prospect? Or would that House leave the People at the mercy of such men as farmers of the revenue always proved? There were parts of the kingdom, especially that part of it (Scotland) to which he belonged, which had few turnpikes in it; if farmers of the revenue were instituted, they would be putting up gates without number, to the great annoyance of the Public. Mr. Dempster read the opinion of the President Montesquieu, from that chapter of his Spirit of Laws, in which he treats of the subject of collecting the revenues of a kingdom by farmers general. He also read an extract from Doctor Smith's Wealth of nations on the same subject, to shew that the best writers gave the preference to an administration of the government of a country keeping the collection of the revenue of it in their own hands, and stated the consequences of entrusting the collection to farmers [illegible] to the liberty [illegible] of the [illegible] [illegible] for a time, [illegible] [illegible] to [illegible] That [illegible] Mr. Allen, it was the product of [illegible] Once gave it to him for nothing. [illegible] but as soon as it became productive, the Public would not bear it to be farmed by an individual, and Government took it into its own hands. Instead therefore of that matter being fit to be held up as a precedent, it was rather a proof of the [illegible] which the Public entertained of farming the national revenue. If the precedent were once admitted in the case of the post-horse duties, who could [illegible] its stopping there? It might, and most probably would, be followed by a variety of other taxes being let out to farm, and therefore he considered it his duty to resist the first attempt to establish so fatal a precedent.

Mr. T[illegible] Mr. T[illegible] conceived that no man wished to distress the revenue, and therefore any professions on the subject were unnecessary; and although there were other periods in which the bill now under consideration might, in the principle as well as the particular clauses, be discussed, yet he could not avoid taking some notice at the first appearance of this phænomenon in English œconomy. This was such a foundation whereon to build oppression, insolence, and every species of [illegible] that [illegible] resistance ought to be given to its very [illegible]. The Gallomania, mentioned by his honourable friend (Mr. Lambton) had surely infected the Minister in a wonderful degree, when the very first bill he introduced after his commercial treaty had passed, must be to constitute in this country the French mode of collecting the revenue. Some articles of French manufacture might be not only pa-

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litable, but wholesome, to the natives of this island; but French constitution and French law no Briton could relish. This bill therefore must have his hearty opposition, from its first entrance to its final exit.

Mr. *Fox* remarked that he was determined to oppose the Mr. Fox.
bill, on the ground of the measure's being sure, if carried, very considerably to increase the influence of the Crown. He [illegible] proof of this assertion, by remarking that the number of Collectors who were to receive the duty must be considerably increased, and the appointment of so many new officers would give the Crown great additional influence. With regard to there being no new powers to be created, it was impossible, for if the tax was let out to farm, those who farmed it must necessarily be invested with those powers, which could alone enable them to enforce the payment of it, [illegible] Administration could no longer be responsible for the conduct of the collection. He [illegible] upon this, [illegible] as a point extremely essential for the consideration of the House. They were bound in duty to watch [illegible] the executive government, and to censure it in every instance where they saw abuse or improper conduct. They ought not therefore to let such a power loose, and suffer it to go out of their hands; and the power of inquiry and superintendance would be lost, as far at least as regarded the post-horse tax, if they suffered Administration to get rid of their responsibility, [illegible] it for three years, or for any other term, [illegible] which it might be let out to farm. [illegible] the Crown would have an increase of influence [illegible] who knew what war was knew what a contractor was. And did not every man know the impropriety [illegible] medium of contractors [illegible] revenue would be contractors and [illegible] imagined that there would be no [illegible] between them and Administration? Undoubtedly the [illegible] shameful the idea of there being a middle man between [illegible] who paid the tax, and its ultimate payment into the Exchequer, created for the express purpose of growing [illegible] out of the distresses of the People, and at their expence. If the precedent were once established, who knew to what extent it might be carried? It was wise therefore to resist it in the first instance.

Mr. *Sloper* declared that he felt much pleasure in observing Mr Sloper.
the general jealousy and alarm which had shewn itself at the very first introduction of a scheme so very opposite to the principles of the constitution. It was extremely becoming that House, and did the individual members, who had resisted the attempt to establish so bad a precedent, great honour. Mr. Sloper added reasons to those already stated against the bill,

bill, and ſaid, he ſhould not wonder, were the poſt-horſe tax ſuffered to be farmed, if all the other obnoxious taxes, and particularly the ſhop tax, was to be attempted to be farmed likewiſe.

Mr. Martin. Mr. *Martin* ſaid that he was happy at all times, when he could conſcientiouſly do it, to aſſiſt and ſupport the Government in meaſures deviſed for the purpoſe of increaſing the revenue, and ſecuring the full and complete collection of the produce of the exiſting taxes; but, on the other hand, there appeared to him to be a great deal of weight in the arguments which he had heard againſt the preſent bill. He had liſtened to every part of the debate with the moſt anxious attention; and although he did not mean to pledge himſelf to oppoſe the bill hereafter, yet, unleſs when it came to be ſeen and fully diſcuſſed upon the ſecond reading, ſome ſtrong argument ſhould be urged in its defence, he was inclined to think it would be his duty to vote againſt it.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* expreſſed his regret that gentlemen would not be contented to wait, till the queſtion was in ſuch ſtate of forwardneſs as would enable them to conſider it with that degree of information which alone could tend to a proper judgment. That information they certainly had not yet before them; for the bill had not been read. He ſhould not take up much of their time by going into a detailed account of the extent and nature of the frauds introduced in the collection. It was ſufficient to know that frauds were committed to a very great extent, and of a very ſerious nature, and that ſome check was abſolutely neceſſary. The propoſed bill was a bill of experiment, and one which he thought afforded every reaſonable proſpect of ſucceſs. The honourable gentleman had put a queſtion to him, which he could not poſitively anſwer, but which he did not think at all relevant to the queſtion. He had been aſked what the tax was eſtimated at when it was firſt propoſed. This he did not exactly know, but he apprehended, that when a tax was once impoſed, it was by no means a fit principle that, provided the amount for which it was firſt given by the Miniſter who propoſed it, was received, no meaſure ought to be ſuggeſted or applied for making it ſtill more productive, by preventing ſuch frauds as might be diſcovered to be practiſed againſt it. The right honourable gentleman (Mr. Fox) had made it a very ſerious buſineſs indeed, when he ſtated the danger of great and ſudden fortunes being created by it, ſuch as ſhould enable the farmers to overawe the government, and ſupport themſelves in any new oppreſſion which they might think it their intereſt to introduce in their collection, and the loſs the Public muſt ſuſtain by the enriching ſo many people at its expence; but, in the firſt place, the Public

could

could suffer nothing; for the districts, as he before observed, were to be set up at the highest rate which they had ever produced, and the present mode of collection was extremely expensive, the whole revenue producing but 166,000 l. the expence attending it being 17,000 l. which last sum would probably be as much as the amount of the whole profits of all the farmers taken together. The right honourable gentleman had also objected to the principle of setting up what he called a middle man between the People and the State. But the fact was, that at present every innkeeper was that middle man, and though there were (he hoped and believed) many of those who were perfectly clear of any such practices, yet he apprehended in general they all played a very unfair game both with the individual and the Public. The idea suggested by an honourable gentleman, of making a general calculation of all the post horses in the kingdom, and the number of miles they were to travel, was one which it was impossible to adopt, and which was almost ludicrous and perfectly useless. In support of the plan, Mr. Pitt remarked that there were many branches of the revenue to which it would be improper to apply the regulations of Excise, but would gentlemen for that reason say that there ought to be no Excise at all, or in any instance, lest it might be extended too far. He concluded with once more enforcing the necessity of a vigorous and effectual collection of the revenue as the only method of supporting the power and credit of the country.

Mr. Sheridan having observed, that it would not be necessary to do more than take up a short time of the House, stated several arguments against the bill, and particularly contended, that the House could not delegate the powers of the executive government to others, who were not amenable to that House. With regard to the ridicule which the right honourable gentleman had been pleased to throw upon the suggestion of an honourable gentleman, who sat on the bench with the Chancellor of the Exchequer [Mr Bastard] with respect to the mode of ascertaining what the produce of the post-horse tax ought to be, by getting at an account of the number of horses kept by the innkeepers throughout the kingdom, there was nothing nearly so ludicrous in that, as some of the modes of regulating the collection, and carrying some of the right honourable gentleman's own taxes into effect, which he had at different times proposed to the House. He remembered among other most ridiculous ideas which the right honourable gentleman had stated with respect to his horse tax, the obliging persons to put up the names, characters, and qualities of the horses they kept, on the church doors, and another of stamping the accoutrements of the horses at the turnpike gates

Mr. Sheridan.

as they passed. The right honourable gentleman was so remarkable for disturbing, shifting and changing the mode of collection of the taxes, that his desire to put the post-horse tax out to farm for a term of years, appeared to him as if the right honourable gentleman was so conscious of his own propensity to meddle with the collection of the taxes, that he knew he could not trust himself, and that therefore he was determined to put it out of his power to touch the post-horse tax for three years to come. He could not otherwise account for his proposing a scheme so irreconcileable to the principles of the British constitution. What the right honourable gentleman had said respecting the excise, Mr. Sheridan admitted was perfectly just when applied to the excise as a mode of collecting a part of the revenues, recognized by parliament, and established and existing in the country, but, the case would have proved widely different had there been no such thing as an existing excise. With respect to what had fallen from an honourable gentleman, who had said that he would support the bill, because he did not think that there was any thing unconstitutional in its contents, but that he was a zealous friend to the constitution, and had resisted two bills which he thought likely to affect the constitution in church and state, he presumed that he alluded to the good old cause of clamour (his right honourable friend's East India bill) and to the bill in favour of the Dissenters, moved for by the honourable gentleman behind him [Mr. Beaufoy.] If so, the honourable gentleman was welcome to his boast, and all the credit which belonged to it, but, undoubtedly, the bill then under consideration, was a much more violent, as well as a more dangerous attack on the constitution. Mr. Sheridan took notice of Sir Joseph Mawbey's declaration that he had entertained sentiments of alarm and jealousy respecting the measure, but that he was now satisfied that he might safely support it. The honourable Baronet was the most easily satisfied of any man he ever heard of for, what had fallen from the right honourable Chancellor of the Exchequer? Nothing more than a desire that gentlemen would wait till the bill was printed, and till they knew its contents, before they made up their minds upon it.

Mr. Rolle. Mr. *Rolle* acknowledged, that it was Mr Fox's East India bill to which he alluded.

The question was put, and the House divided,

Ayes 76. — Noes 39.

The bill was now read a first time, ordered to be read a second time on the ensuing Tuesday, and to be printed.

*Friday, 27th April.*

Mr. Alderman *Newnham* rose, and moved for the reading of the Callico printers' bill.

Mr.

Mr. *Dempster* remarked, that he considered the bill as intended to create a monopoly in favour of the Callico printers near the metropolis. Its principle was highly irreconcileable to the liberal spirit which ought to characterize the trade laws of a free country, and it was not fit to be countenanced by that House, whose duty it was to guard and protect the trade and manufactures of the kingdom against monopolies and injurious distinctions. The printers near London already enjoyed the great and superior advantage of setting the fashion and taking the earliest advantage of this circumstance, by sending their goods immediately to the first and most beneficial home market. He thought the bill so improper to be entertained, that no correction or amendment in the Committee could cure it and make it fit to fill a page in the statute book. He should therefore object to its being read then, but would move by way of amendment "that the bill be read "that day six months." Mr. Dempster.

Mr Alderman *Newnham* remarked, that had he conceived the bill to have warranted the right honourable gentleman's objections, and to have been the bad bill in its principle that the honourable gentleman had described it to be, he would not have given the House the trouble of having it at all under their consideration, but it was not a bill to encourage monopolies, or to create injurious distinctions; it was a bill to protect genius, and to secure to superior art and dexterity a due and reasonable opportunity of obtaining a fit and adequate reward. The House would best understand the nature and principle of the bill by being informed of what had happened to render it necessary. He then explained, that the printers of callicoes, linens, cottons and muslins, near the metropolis, were at a very great expence in procuring elegant and ingenious patterns to be drawn. They often paid some scores of pounds for patterns; and as soon almost as they had printed these elegant patterns on fine callicoes, linens, cottons and muslins, they were met in the market by bad copies or imitations of their best patterns, often surreptiously obtained, printed on cloth of inferior quality, with bad drugs, and in a loose, slovenly, and ill-executed way, which consequently, being capable of being sold at a lower price, robbed the printer, who had paid an high price for the original pattern, of his said profit. It was therefore deemed a reasonable requisition on the part of the printers, to apply to Parliament to grant a remedy against this evil, but, they did not apply for a monopoly. They merely asked a protection to superior art and ingenuity, generally extended all over the kingdom, desiring that every designer of an original pattern should have the exclusive benefit of his invention for the small period of two months. This, and this only, was the object of the bill, and Mr. Ald. Newnham.

would any gentleman contend that it was not a perfectly fair requisition? The pattern drawers of Scotland, of Manchester, and of every other part of the kingdom, were to derive the same benefits from the bill. There was no monopoly, no partial or invidious distinction intended, but a general protection to genius and invention wherever exercised, desired for two months, and surely the House would not refuse such a bill's going to a Committee.

Col. Norton Colonel *Norton* observed, that so reasonable a request as the callico printers had made in desiring a protection of superior invention and dexterity for the short period of two months, he trusted, that House would not deny. The colonel expressed some surprise that there was any sort of opposition, as he understood all difference of opinion among the country printers, and those nearer town had been reconciled, and the two months universally assented to.

Mr. Skeene Mr. *Skeene* could not coincide in the sentiments of the two last speakers, but supported Mr. Dempster's arguments.

Alderman Sawbridge. Alderman *Sawbridge* spoke in favour of the bill, denying that it gave any monopoly in favour of the printers near London, and contending that the protection held out by the bill was perfectly reasonable, as in some instances, ingenious artists gave eighty pounds for a very elegant pattern, of which the piratical printers could obtain an ill-executed imitation for forty shillings.

Mr. Mainwaring. Mr. *Mainwaring* desired the House to let the Bill go to a Committee, and see it in an intelligible shape, before they pronounced upon its merits. It gave no local advantage, but held out a reasonable protection to callico printers in general.

Mr. Wilberforce. Mr. *Wilberforce* declared his astonishment at the opposition, as he had understood the difference of opinion had been compromised. Mr. Wilberfore mentioned the names of some of the most eminent and respectable country printers, who had not the smallest objection to the bill.

Mr. Dempster. Mr. *Dempster* again argued against the bill, declaring that whether it authorised a partial monopoly, or as it had been called, a general protection, he was equally of opinion that such a bill ought not to pass. He asked if the milliners of London were to desire to have a monopoly of the new fashions of the caps they built, on account of the expence they were at in procuring patterns from France, would the House grant it?

Mr. Rose. Mr. *Rose* spoke in favour of the bill, declaring, that he was satisfied that no gentleman who fully understood it, could state a reasonable objection.

The question being put, the House divided,

Ayes, 67. — Noes, 23.

The bill was then committed for Monday the 7th of My.

Cap.

Captain *Macbride* prefaced a motion for a statement of accounts relative to the chest at Chatham, with some observations on the hardships seamen were put to, by being obliged to render themselves in person before the commissioners of the chest once every three years, in consequence of a regulation made not many years since, instancing the case of an Irishman, who, when he had raised just money enough to bring him over to Liverpool, on his way to Chatham, was seized by the police of Ireland, and detained, so that he could not make his personal appearance in due time to save his pension. Captain Macbride.

Mr. *Brett* stated that the matter was already under the consideration of the Admiralty Board. Mr. Brett.

Lord *Mulgrave* recommended it to his honourable friend to withdraw his motion, as the Admiralty Board were more likely to apply an effectual remedy, than such a remedy as could be obtained through the medium of that House. Lord Mulgrave.

Captain *Macbride* withdrew his motion, which was as follows: For Captain Macbride.

"An account of the revenue and expenditure of the chest "at Chatham, from 1st of January 1780, until the 31st day "of December 1785, both inclusive—the number of pen-"sioners, and also the number of days the Commissioners "have set in each year."

Mr. *Sheridan* moved for leave to bring in a bill respecting which, he said, he should have no occasion to trouble the House long, as the bill was in some measure the same with one which the House had entertained during the course of the last session, excepting that the obnoxious clauses were left out. Mr. Sheridan declared he had not himself made up his mind as to the whole of its present contents, but all he meant to do then, was to move for leave to bring it in, to have it read a first time and printed, and then to leave it till the next session for the consideration of gentlemen during the recess. He added farther, that he should graft a plan upon it for the advantageous employment of those youths who now led a life of infamy and idleness. Mr. Sheridan concluded with moving, Mr. Sheridan.

"That leave be given to bring in a bill more effectually "to supply His Majesty's ships of war with seamen, when "occasion shall require, and to encourage men, under cer-"tain regulations and bounties, voluntarily to engage them-"selves for that service whenever they shall be duly called "for."

Mr. *Brett* remarked, that as the bill was not intended to be pushed through the present session, he would not object to it, but if it were the same bill in all its parts, as that of the last year, he should oppose it as an impracticable scheme. Mr. Brett.

Mr. Brett complained of having been attacked and vilified in the newspapers, by the authors of the bill, by name, for the language which he held in that House respecting it as a member of Parliament. Such abuse he considered as an attack on the freedom of debate, and he had declared that he more than once had it in contemplation to make a formal complaint upon the subject.

Mr. Sheridan.

Mr. *Sheridan* assured the honourable gentleman that if he thought that he had any hand in the newspaper attacks alluded to, he was mistaken. He considered the measure merely and not the men who were the authors and suggesters of it.

Mr. Brett.

Mr. *Brett* said, that he never had entertained any such suspicion, but he should continue to speak in that House according to his real sentiments, let the attacks so indecently made upon members of Parliament be what they might.

Sir James Johnstone.

Sir *James Johnstone* declared, that he should ill deserve a seat in that House, if he did not stand up an advocate for gallant seamen. Sir James entered into an argument to prove, that sailors were but ill rewarded for their bravery, by being so harshly treated after they were pressed, and declared, that he wished captains had the power to pardon, but not to punish. He thought the condition of our seamen exceedingly hard in other respects, besides the impress service. He would recommend to have court martials on board every King's ship, for the trial of offenders, instead of flogging poor fellows for the most trifling faults. He then alluded to the last business of the Chatham pensioners, and mentioned the hardship of a poor man who was obliged to come up 400 miles, from Scotland, to receive his pension, though he had served His Majesty very meritoriously, and what was more, contrived "to get fourteen children with one leg."

Lord Hood

Lord *Hood* rose to combat some ideas which he conceived to be in the bill, and which, he said, he knew from experience could not be adopted without great inconvenience.

Mr. Sheridan.

Mr. *Sheridan* begged leave to assure the noble Lord that no such ideas as those to which his Lordship had alluded were contained in the bill. He begged that gentlemen in general would suspend their opinions till the bill should be printed, and reminded the House, that he had declared, that he had not himself made up his ideas to all the contents of the bill.

Mr. Beaufoy

Mr. *Beaufoy* observed, that he did not mean to enter into the subject of the bill at that time, and under the present circumstances; but he rose merely to point to a matter worthy of some notice in a time of peace, when the attention of the country ought to be turned to the putting the navy into a state of preparation for war. Mr. Beaufoy reminded the House, that there now existed a foreign power, which, in case

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of a future war, might join the enemy against us, and that the sailors of that new foreign power were not distinguishable from British sailors. They might therefore be employed greatly to the disadvantage of this country. It became, of consequence, a matter of serious moment, that some means of ascertaining the birth of British seamen were adopted. This Mr. Beaufoy thought it enough for the present to hint, as a point worthy of future consideration.

The question being put, the motion was agreed to.

Mr. Alderman *Newnham* begged leave to remind the House, that he had lately given what he deemed a satisfactory answer, in explanation of the motion which he intended to make respecting the affairs of his Royal Highness the Prince of Wales. He assured the Minister that he need entertain no apprehensions of its being productive of any of those disagreeable effects which he so much deprecated; for it was as much his intention as it was his duty, to make such observations as he intended to offer, with the most perfect respect and attention to His Majesty; and in so doing, he was perfectly convinced that he should act most to the advantage of the cause, and most consonant to the wishes of the royal personage who was the object of the motion. He was sorry that his motion had not been anticipated by persons in office, to whose duty he thought it most peculiarly belonged; but understanding that there was no prospect of any proposal from that quarter, he thought that it behoved him, feeling as he did for the honour of the country and the embarrassment of the Heir Apparent, not to be wanting on his part to contribute towards extricating him as soon as possible. In order then to explain the object of his motion, so as that no mistake might be made, he intended that it should run somewhat to the following purport, "That an "humble address be presented to His Majesty, praying him "to take into his royal consideration the present embarrassed state of the affairs of His Royal Highness the Prince "of Wales, and to grant him such relief as his royal wisdom should think fit, and that the House would make "good the same." Mr. Ald. Newnham.

Mr. *Rolle* declared, that he felt much concern, after what had passed on the subject, to find that the worthy magistrate still persisted in his intention to bring forward a motion of so delicate a nature. If ever there was a question which called particularly upon the attention of that description of persons, the country gentlemen, it would be the question which the honourable alderman had declared his determination to agitate, because it was a question of that sort which he had stated the preceding night, and went immediately to affect our constitution in church and state. He declared, Mr. Rolle.

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that whenever it should be brought forward, he would rise the moment that the honourable alderman sat down, and move the previous question, being convinced that the honourable alderman's intended motion ought not to be discussed.

Mr. Sheridan.

Mr. *Sheridan* declared himself impressed with as high a sense of the magnitude and importance of this subject as any person could possibly be, and considered it perhaps of greater consequence than any other that was ever agitated within their walls: he felt, in common with other members, an extreme degree of reluctance in discussing as a question, what, if it came from another quarter, could admit of no controversy. But looking to the circumstances, and above all, the proceeding of His Royal Highness under every difficulty, and keeping in mind at the same time what was due to the dignity, the honour, and the gratitude of the whole British empire, he would not confine the interest of the question to the country members alone, respectable and highly revered as they ought to be; but he should not hesitate to declare, that every individual of the state, and every member of Parliament in particular, was deeply concerned in the subject of the motion. He differed much with those who represented, that alarming consequences of disunion might ensue from the issue of this motion, and that the existence of the church and state were endangered by its agitation: he did not well know what precise meaning to affix to expressions of this kind, but he was very well convinced that the motion which was now made, after every method had failed, originated only in a consciousness of the unparalleled difficulties under which the Heir of the Crown was so long suffered to labour. *They* very much mistook both the conduct and character of what were called the Opposition in this country, who should hint or imagine that they wished to take any political advantage of differences subsisting between any branches of the Royal Family: on the contrary, there was no circumstance to which they looked forward with more anxiety and zeal, than that the illustrious Son should be restored as fully and speedily as possible to the royal arms, the confidence and affections of his Father.

But in addition to the expressions of which he had already taken notice, there was another which he reflected on with very great attention, and which coming as it did from the Minister on a former day, was the more entitled to serious observation: he meant an insinuation that there were circumstances which must come out in the discussion of this question, to shew the impropriety of granting the assistance required. On a suggestion such as this, it would be ridiculous indeed for any person to obtrude himself without at

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least sufficient authority; and for his part he could declare, on the very best and the highest authority, that neither the friends of the Prince, nor His Royal Highness himself, had any other wish than that every circumstance in the whole series of his conduct should be most minutely and accurately inquired into, and those who felt most for his situation were ready to meet, and anxious to enter upon, every species of investigation that should be suggested. It was His Royal Highness's decided wish that no part of his conduct, circumstances, or situation should be treated with ambiguity, concealment, or affected tenderness, but that whatever related to him should be discussed openly, and with fair, manly, and direct examination. Mr. Sheridan remarked, that he expected that long before this the aukwardness of discussion would have been prevented by relief from another quarter; and such was the reluctance which he felt in agitating the question in a hostile manner, that, short as the period was between this and the day announced for the motion, he still expected that something might be done in the way of accommodation, so as to render it unnecessary: every person was convinced how much the circumstances of the Prince were in need of assistance, and he was much surprised that, feeling as they do, even His Majesty's Ministers should not, if necessary, have used their influence long before this to obtain so wished-for an object. Whatever was brought forward (Mr. Sheridan asserted) he knew would meet with an unequivocal and complete reply, such as, he was assured, His Royal Highness would himself give as a peer of Great Britain, were a question of this nature to be agitated in another House. How far such a discussion might be proper, he left to the feeling of the gentleman to whom he alluded to decide.

Mr. *Rolle* declared, that no person could feel at heart more loyalty for the Prince upon the throne, or His Royal Highness, than he possessed; but if a motion was urged, which he thought highly improper to be proposed, the honourable gentleman would find that he would not flinch from it, but act as it became an independent country gentleman to act upon such an occasion, and state without reserve his sentiments according as the matter struck him. Mr. Rolle said, that he had nothing to expect from His present Majesty, nor from his successor; but he would do his duty, and oppose a motion which might produce serious differences between the Father and the Son. Mr. Rolle.

Mr. *Dempster* said, he had understood from very good authority, that such a motion as that stated by the worthy alderman, was perfectly informal, for it was against the order that any address on a pecuniary subject should be voted Mr. Dempster.

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to His Majesty till the Committee of Supply was closed. He felt as much as any other country member for the honour of the nation and the embarrassments of the Heir to the crown; but he was equally solicitous to avoid, by every endeavour, the mischievous effects which might flow from the motion of the alderman; and he trusted, that before the appointed time for the question, either the honourable alderman would be induced to forego it, or the Minister find means to anticipate its object.

Mr. Chancellor Pitt.

Mr. *Pitt* repeated those professions of good-will towards His Royal Highness which he had before expressed, and was very much concerned, that by the perseverance of the honourable member he should be driven, though with infinite reluctance, to the disclosure of circumstances which he would otherwise think it his duty to conceal: whenever it should be agitated, he was ready to avow his determined and fixed resolution to give it an absolute negative. Whatever might be the representations of his conduct from certain quarters, he felt that this should be the proceedings which his duty to the Sovereign, his duty to the Public, and his concern for the real interest of the Prince of Wales himself, most decidedly impelled him to. The manner in which the purport of the motion was now stated to the House, did not by any means render it the more acceptable to him; for he was ready to contend, (and he must do so when forced to it) that this of all others would be the most improper and unjustifiable motion which could be proposed, both as to its mode and its substance. With regard to the intimation which he was accused of making, he would only declare that he was perfectly misunderstood; and so far from stating any thing in the way of insinuation, he was willing to assert, that there were circumstances which he should find it his duty to make known, that would satisfy the House of the impropriety of complying with the honourable alderman's motion, even if it were not otherwise irregular. He confessed that there was nothing he should wish more to avoid than a discussion of such a nature; he was conscious of the various ill consequences it would be almost certain of producing to the tranquillity of the Public, as well as of the Royal Personages concerned; he therefore hoped, that on mature deliberation the worthy alderman would be induced to forego a motion of so injurious a tendency.

Mr. Hussey.

Mr. *Hussey* expressed himself as solicitous as any member for the national honour, but said that he possessed at least equal solicitude for the peace and safety of the Public: it would indeed be very much to be lamented, if by persisting in this motion, such animosity might be introduced into the Royal Family, as would possibly create the most unhappy

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consequences to the national peace and prosperity; and he most earnestly entreated the honourable alderman not to bring on a discussion which must cause the disclosure of private and family particulars on so delicate a subject.

Mr. Powys

Mr. *Powys* apologized for not having been in the House at the beginning of this conversation; for such were his impressions of the magnitude and importance of the subject, that no consideration whatsoever should induce him to be absent from his duty, if he had had any intimation that it was to come on. The report of the business had spread an alarm through the country, and produced the utmost anxiety and uneasiness amongst the country members, and, he believed, generally amongst every other description of persons. Instead of hearing this day a fresh notice given, with explanations of what might be the substance of the motion, he rather expected that the member who prepared it would come and ask pardon of the House for the impropriety of his conduct, and excuse himself from any farther procedure in the business. Had he been particularly applied to, or authorised to engage in the affairs of His Royal Highness, there might be some excuse for his persevering in his designs, but coming forward as a private individual, barely on his own suggestion, to agitate a subject too delicate for the interference of the Administration of the country, was a proceeding for which he was perfectly at a loss to account.— Mr. Powys farther declared, that as there never was a question which appeared to him of more concern, so never was there one in which he felt so much, or was so incapable, from agitation, of expressing what he was anxious to say: but he trusted, that every person who wished well to his country, or was attached to the Family on the throne, would use every possible effort to prevent this question from being agitated.

Mr. Drake.

Mr. *Drake* said, that no gentleman's breast was fraught with more ardent loyalty towards his Sovereign than his own; his feelings of love and reverence for his Royal Person, and for that of every one of his most illustrious family, were indescribable; and therefore, after the noble manner in which the most honoured and honourable men had that day distinguished themselves, he hoped to be permitted to rise, not as presuming to call himself one of their description, but as their copyist and humble imitator, to join his feeble voice to theirs, and intreat the worthy alderman to desist from his purposes. He joined *his* supplication to *their* supplications, and *his* deprecation to *their* deprecations. Such a conduct, far from affecting either his honour or his consistency, would allay the apprehensions so prevalent over the

country; and then it might be said of the alderman, *Ille regit animos dictis, & pectora mulcet.*

Mr. Ald. Watson. Mr. Alderman *Watson* declared, that he had no idea that his honourable friend, the worthy magistrate, meant to be considered as wishing to bring forward his promised motion as an individual member of Parliament, and upon the mere suggestion of his own mind; but if that were truly the case, he trusted that his honourable friend would not persist in a motion which appeared to be far from agreeable to the general sense of the House.

Mr. Sheridan. Mr. *Sheridan* again contended, that the respectful manner in which the address to His Majesty would be couched, must do away all apprehensions of jealousy or disunion arising from the subject of the proposed motion: were any such effects expected, it should have been the duty of Ministers to obviate them by anticipating the purpose of what the alderman intended to submit; nor was he able to comprehend why the notice of this measure should have produced any alarm amongst the country members, who must be aware that the Prince should not be suffered to continue in such embarrassed circumstances, and that the motion must inevitably come from one quarter or the other. With regard to the mode of the motion being brought forward, he was of opinion that the proposed one was the best which could be adopted: for as to the amount of his Royal Highness's debts, he believed that this could not well be ascertained, his creditors being so grateful for the liberal manner in which he acted, that they had not yet brought in their accounts. However the necessity of the case made it indispensable to use some means, and he would put it to any side of the House, or any individual in it, whether, after what had passed, there was any possibility of the motion being given up: insinuations had been thrown out in the first instances, and converted into assertions this day, which the honour and feeling of the parties made it necessary to have explained; and should the gentlemen engaged now recede from the measure, the natural inference would be on the part of the public, that they were afraid of the circumstances which were threatened to be brought against them, and, not daring to meet the discussion, were at last reduced to forego their motion.

Mr. Sheridan said, some honourable gentlemen had thought proper vehemently to express their anxious wishes that the business should be deferred; but the right honourable gentleman himself (Mr. Pitt) had erected an insuperable bar to such a measure. He appealed to the right honourable gentleman's own candour, whether that House, whether the Country, whether all Europe, could form any other opinion

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of such behaviour, than that the Prince had yielded to terror what he had denied to argument—What could the world think of such conduct, but that he fled from inquiry, and dared not face his accusers? But if such were the design of such threats, he believed they would find that the author of them had as much mistaken the feelings, as the conduct of the Prince. With respect to its being supposed that the party with whom Mr. Sheridan had the honour to act, had been guilty of fomenting the unhappy divisions which were conceived to exist in the Royal Family, he said, that the charge was as false as it was foolish. Such a difference, so far from assisting, must materially injure those who were not admitted into His Majesty's councils, and whose opposition was not founded on any little personal animosities, but on broad, solid constitutional ground.

The Speaker put an end to the conversation for the present, by calling upon Alderman Newnham to bring up a petition which he had in his hand. The petition being read,

Mr. *Minchin* observed, that from the fullness of the House, while the last conversation had continued, he flattered himself that he should have had the honour to have delivered his sentiments upon the important subject, to which he meant to call the attention of the House, before a numerous auditory, but so many gentlemen had suddenly gone away, that he scarcely knew whether he ought to go on or not. [Some gentlemen calling out go on!] Mr. Minchin said, he would not trespass on any great portion of the time of the House, but endeavour to compress what he had to state in as concise terms as possible. The important subject to which he wished to call their attention, was one which he had again and again intreated other gentlemen, more conversant with it than he could pretend to be, to state; but as his intreaties had been vain, and he was of opinion, that the topic was of infinite importance, he was obliged to supply their neglect, and conscious as he was of the inferiority of his abilities, and that the course of his studies had not been directed to the subject, to endeavour to call it into notice. All he aimed at, however, was merely to take the rough stone out of the quarry, and to leave it to be worked upon, refined and polished by others, who would, by giving it its true lustre, make it appear the valuable jewel it really was. After an exordium to this purpose, Mr. Minchin proceeded to take a review of the present state of the penal laws of the kingdom, in order to shew the number of the sanguinary catalogue, and to manifest their inequality, their injustice, and their inhumanity. He said, an inquiry into the penal laws had taken place a great number of years ago, and that at that time it had been found that

Mr. Minchin

there were one hundred and sixty distinct offences punishable with death. Since that period the number had increased very considerably, as every session of parliament added a variety. He would not enter into a minute detail of what the many crimes were, for the commission of any one of which the subject was liable, on conviction, to privation of life. He would merely speak of them in classes, and in general terms. In the first class, he mentioned high and petty treason, and murder. High treason affecting the life of the Sovereign, he thought, should be punished with death: murder ought also to be so punished, since the precepts of divine as well as human laws called for blood for blood, or that the person, who deprived another of life, ought to be deprived of his own. After a few observations, he spoke of burglaries, highway robberies, and other depredations on property, and entered into a discussion of the distinction between the different species of burglaries and robberies, arguing that some of them were irrational, and the punishment being the same, very unequally proportioned to the real quantum of the enormity of the offence. He next treated of other and subordinate classes of crimes and their punishments, such as larcenies, and single felonies. He interspersed observations as he proceeded through every class. When upon the subject of the higher classes, he mentioned the singular severity of the laws respecting coining, and said, if a coining instrument were found in the custody of any man, the *onus probandi* of his innocence lay upon him, and in case of failure of establishing it, he must lose his life. This put it in the power of any malicious foe, or any wicked and spiteful servant, to take away the life of any honest person whatever, since they had nothing to do but convey a coining instrument into his closet, or his pocket, and his life was at stake. Again, among felonies, cutting a hop bine was death. He dwelt upon this with emphasis, and asked if it were scarcely credible? After expatiating upon the bloody spirit of the penal laws, and instancing a variety of cases in which offences apparently most trifling were punishable with death, he contended that savages would scarcely credit the fact, and that in a country, enlightened as this confessedly was, and the great character of which, was the humane spirit of its laws.—The situation of those laws, therefore called loudly for a revision and a reform; and with that view it was, that he should offer a motion to the House; but he begged to be understood as meaning to do no more than open a door to the revision and reform of the penal laws. He should leave the inquiry to be made by those most competent to inquire with effect, and suggest the necessary proceedings. In France, under Louis the XIVth, a similar inquiry had been made with success.

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In Italy, and in Russia, the same had been done likewise. He spoke in handsome terms of the Empress, and of her predecessor; and after a few more arguments to shew that his proposition was not without a sufficient precedent, he explained what the nature of his proposition was, by stating that he meant to move for leave to appoint a commission in the manner of a commission of public accounts, to consist of professional men, but not members of parliament, to make the necessary inquiry, from whence the principles of the sort of reform most fit to be adopted could arise. He concluded with moving,

"That leave be given to bring in a bill, to appoint certain "persons therein named, to examine into the state of all the "penal laws now in force in this kingdom, and report their "opinion thereon to this House."

Mr. *Sloper* rose to second the motion, and observed, that there were several act of a criminal nature, to which capital punishment was not affixed. Amongst these was breach of trust, which he considered to be of a very heinous nature. Mr. Sloper.

Mr. Chancellor *Pitt* remarked, that as the subject of the honourable gentleman's motion was perfectly new, as it embraced such an extensive system, and went to such very important consequences, he hoped he would not persist in pushing it forward on the present occasion, particularly as the advanced period would not allow sufficient time for that degree of investigation and inquiry which such a subject was entitled to. Besides, it would be extremely dangerous to take any step which might have the smallest tendency to discredit the present existing system, before proper data and principles should be established whereon to found another. Such principles ought to be again considered before they should be adopted, and ought by all means to be fully weighed and settled by those learned and able men who filled the highest stations in the law department. Mr. Chancellor Pitt.

Mr. *Minchin* rose to reply to that part of the Chancellor of the Exchequer's speech that related to what he had said, introductory to his motion, and declared, that when the right honourable gentleman had talked of the late period of the session, he must not have heard him distinctly, for he had expressly said, he did not mean that the commissioners should be members of parliament, nor that their inquiry should be final; but that they should be professional men, and then, the result of their inquiry would afford the principles to ground a reform upon. His meaning was to have had their report referred to the sages of the law, the judges, and that they should have ultimately decided upon what alteration would be wise and practicable. That the matter would be attended with some difficulty he was ready to confess; but where men Mr Minchin.

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of sense were right at setting off, with perseverance, he was persuaded that scarcely any thing was impracticable. As to the time of year, he had chosen it on purpose, as a summer's recess from terms, and from business of another nature, would, in his mind, be the fittest to employ in such a research and revision, as those he had taken the liberty to suggest. Mr. Minchin declared, that he had not brought the matter forward as a party matter, he had not asked a single friend to come down to support him, as the state of the House proved; and if the right honourable gentleman would say, that he or any other gentleman would take the matter up, he would very heartily withdraw his motion.

The motion, by leave of the House, was accordingly withdrawn.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* now remarked, when the question was put, whether a division should take place or not, the House would, in all probability, be still thinner than it was then, and, therefore, he would embrace that opportunity of again bringing forward a subject, the singular importance of which would, he flattered himself, sufficiently apologize for the irregularity he was conscious that he was guilty of, calling back the attention of the House at that moment to the former subject of conversation, viz. to the situation of His Royal Highness the Prince of Wales. As he found that several persons had imagined, that what had fallen from an honourable gentleman (Mr. Sheridan) applied to something he had said, he wished to remove the possibility of misinterpretation, especially as the honourable gentleman had stated that the insinuations which had been thrown out, made it impossible for the friends of the Prince of Wales to withdraw their motion; that from what he had observed, in consequence of the sentiments thrown out by so many respectable members, and from the general feeling of the House, he was persuaded there was almost an unanimous opinion that such a motion ought not to be brought forward, and nothing which he had said could afford the slightest colour of argument for persisting in it. The particulars to which he alluded, and which he should think it necessary to state more fully to the House, related only to the pecuniary situation of the Prince of Wales, and to a correspondence which had taken place on that subject, and that this had no reference to any extraneous circumstances. Yet every one must be sensible that this correspondence in itself must contain matter of too delicate a nature to be a fit subject of public discussion, if it could be avoided.

Mr. Sheridan. Mr. *Sheridan* said, that he was extremely glad that the right honourable gentleman had explained himself, because, most undoubtedly, as he had left the matter the other day,

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the interpretation of the right honourable gentleman's declaration had been the very construction which the right honourable gentleman had now so fully cleared himself from having had any intention to convey. As to the matter, Mr. Sheridan observed, that he thought any sort of allusion would have been in the extremest degree indelicate and disrespectful. The right honourable gentleman, however, had entirely cleared his mind from any farther conception, that he meant to make any allusion which could have any thing to do but with the pecuniary embarrassment of his Royal Highness.

Mr. Chancellor *Pitt* answered, that if any person in the House had understood him in the way represented by the honourable gentleman (Mr. Sheridan) he was very glad to have had that opportunity of removing such an impression; but that he could not acquiesce in the idea that any expression which had fallen from him on that or any former occasion, was liable to the construction attempted to be put upon it, and that he trusted, from what the honourable gentleman himself had said, that he would now be ready to join his intreaties with those of almost every other description of persons to prevent the proceeding farther in a business, which, though he had no doubt it was undertaken from a regard to the honour of the Royal Family, and the interests of the country, must, if persisted in, be productive of consequences most injurious to both. Mr. Chancellor Pitt.

Mr. Alderman *Newnham* declared, that he certainly was not so rash and presumptuous as to have taken up the idea of bringing forward a motion undoubtedly of a very novel and delicate nature, upon the bare suggestion of his own mind, as an individual member of Parliament; nor, having brought himself to take up a matter of so much importance, was he so weak as to feel any alarm as to any consequence which might be holden out, with an interested desire, to drive him from it. His Royal Highness had, he knew, tried every other mode of application possible to obtain some relief from his present embarrassment, and it was his Royal Highness's earnest desire that he might be rescued from his situation in the manner most respectful and least offensive, where every gentleman must wish the utmost respect to be shewn; but it should be remembered, that his Royal Highness's situation was growing worse this year than the last, and therefore it was, that he had authorised an application to that House as his last resort. Could he be given to understand that it would be done in any other way, he was sure the wishes of gentlemen who had that day pressed him not to move the Address, would be cheerfully gratified. With regard to the right honourable gentleman's explanation, the Alderman had said, he Mr Alderman Newnham.

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was very happy to have heard it, because most certainly he had construed the right honourable gentleman's hints the other day, exactly as his honourable friend had done; and surely as to what the honourable gentleman meant, who had talked of church and state, there could be no manner of doubt; but that matter had, gentlemen must confess, nothing to do with an application to the House, to rescue His Royal Highness from a pecuniary embarrassment.

The House adjourned.

*Monday, 30th April.*

When, in consequence of a motion, the act of 3 Geo. III. cap. 15, had been read,

Sir John Miller.

Sir *John Miller* rose, and remarked, that, pursuant to the notice which he had given the House on the preceding Wednesday, he should beg leave to offer to their consideration a bill to prevent occasional freemen from voting at elections for members to serve in Parliament for cities, towns, ports, and boroughs in the kingdom of Great Britain. He meant, he said, such freemen, who should claim to be admitted to their freedom, after a vacancy shall have happened, under antecedent titles, whether the same shall be claimed by birth, marriage, or servitude; and this would be doing no more than putting all places where such antecedent titles are resorted to, upon the same footing with the cities of London and Norwich, where express acts of Parliament had been made to correct those abuses, for which he meant the present bill as a general cure. Here he desired the 3d Geo. III. commonly called the Durham act, might be read, which being read by the clerk, Sir John proceeded—By this act it might be seen, "that no person claiming as freeman shall, after the "1st of May, 1763, be admitted to give his vote at any "election, unless such person shall have been admitted to "the freedom of such city, town, port, or borough, twelve "kalendar months before the day of such election." Had the Durham act included, "or who claims to be admitted "to his freedom under antecedent titles, either by birth, "marriage, or servitude," the present bill would then have proved unnecessary, as the mischief would have been prevented of which he now complained. A bill had been brought into the House last year by an honourable gentleman, not then present, to prevent occasional inhabitants from voting at elections, &c. He knew it was that honourable gentleman's wish to have made his bill comprehend and provide against the mischiefs to which he was now suggesting a remedy, but the honourable gentleman thought it adviseable not to embrace too many objects, lest by a too liberal exten-

ſion of the powers of his bill, he might bring its ſucceſs into hazard—the reception which that bill met with from Parliament (being paſſed without a diſſenting voice in either Houſe) he was willing to rely upon, as a pledge for the ſucceſs of the bill, which he did then propoſe to them, the principle of both being the ſame, and pointing to the prevention of occaſionality, by the rejection of the ſuffrages of ſuch electors, whoſe ſole object of qualification ſhould be that of voting at a particular time, and for a particular perſon, when the ſeaſon of ſuch election, and the candidates for the ſame, ſhould be generally known. Now, though occaſionality had ever been fatal to votes at the common law, yet Parliament had paſſed a variety of ſtatutes, from time to time, expreſſive of their full diſapprobation of occaſional votes. He need but juſt name ſome of thoſe ſtatutes which would bring them to the recollection of the Houſe. Againſt occaſional freemen in London, 11 Geo. I. Againſt occaſional in counties, 18 Geo. II. cap. 18, ſec. 3. Againſt occaſional freeholders in boroughs that are counties in themſelves, 19 Geo. II. cap. 28. Act to regulate elections in the city of Norwich, 3 Geo. II. cap. 8. Againſt occaſional freemen generally, 3 Geo. III. cap. 15.—or what was uſually called the Durham act. And alſo, the act of the laſt ſeſſion againſt occaſional reſidency, which was an indiſputable proof of the preſent Parliament's ſentiments upon the ſubject of occaſionality in general, and had aptly preceded the bill he now propoſed to them. Beſides theſe, almoſt innumerable were the deciſions againſt occaſional votes, as in the caſe of Stafford, Feb. 4, 1784; in the caſe of Warcham, Jan. 19, 1748; in the caſe of Weymouth and Melcomb, June 3, 1724, the Houſe declared, that all votes were "clearly fraudulent.(without any particular limi-"tation to occaſionality at the common law) which were "made merely for the purpoſe of an election." and votes even of three years ſtanding, "againſt which occaſionality "was then proved, were determined to be void." Journals, V. 17, p. 665.

In the city of London, by the 11th of Geo. I. no perſon can vote for members to repreſent that city who has not been on the livery twelve calendar months previous to ſuch election. The occaſion of the Durham act, which he had already mentioned, was, that 215 freemen had been made juſt before the election, 93 of theſe were ſworn in, on, or after the day of the teſte of the writ, on which the Houſe determined that the whole 215 pretended to have been made free after the death of Mr. Lambton, their late member, had no right to vote in the ſubſequent election. All theſe different acts and different reſolutions of Parliament fully proved the averſion of the Legiſlature at all times to occaſionality, ſtill far-

ther reinforced by the common law of Parliament. And, indeed, the resolution of the House in the case of Norwich, of March 12, 1701, would, if made a general principle of parliamentary decision, have rendered the bill, which he proposed to offer to them, totally unnecessary. That resolution was as follows:—Resolved, "That such persons as had a "right to their freedom in the city of Norwich before the "teste of the writ, and took out their freedom after the said "teste, not having demanded the same before the said teste, "had not a right to vote in the last election of citizens to "serve in the present Parliament for the said city." Journals, vol. 13, p. 791, col. 2.

The bill which he now offered to the House would effectually do away all doubt, difficulty, and contrariety of opinion, in respect to such freemen who should hereafter claim to take up their freedom under inchoate, as they were called, or antecedent rights. And at this season of tranquillity, which might also be presumed to be distant from a general, or from any particular election, every man who valued his franchise would have time and opportunity to qualify himself fully and duly for such an event. More than one-third of the cities, towns, ports, or boroughs in England, where freemen claim a right to suffrage under antecedent titles, would be relieved from great abuses by the bill which he meant to have the honour to propose to them. Many years residence in the neighbourhood of Bristol, and his having sat upon the last election Committee for that city (in which a reference was had to every past election there from the beginning of the present century) would warrant him in asserting, that the most atrocious and infamous abuses have invariably prevailed there, at almost every season of election since the year 1701, which could scandalize morals, disgrace the constitution, or profane religion; so that were his bill to purify but that one election kennel alone, it would unquestionably entitle it to the countenance of the House. At Bristol no election possibly could be determined without great riot, delay, expence and difficulty from the uncertainty of the numbers and undefined description of those, who, as matters now stood, claim to vote under inchoate or antecedent rights, which would be greatly diminished, if not tolerably well cured, by the House's fixing on such specified term as should seem good to them for the admission and registry of such freemen previous either to the vacancy or to the teste of the writ, in order to give such claimants efficient votes. And this was the more necessary with regard to Bristol, especially as there had been no parliamentary determination in respect to the right of election there. More than one-third of the Bristol electors completed their rights by

by registry, &c. and this they did, not only after the date of the teste of the writ, but frequently within half an hour of giving their votes upon the hustings. Custom would not support this right of voting at Bristol; for so unsafe and so little reliance had the candidates themselves upon such votes, that they have frequently entered into agreements with each other previous to the election, either not to poll any voter who had not completed his franchise before the date of the teste of the writ, or to suffer all to vote who had been admitted after the date of the teste, or to mark all such with queries subject to their being generally rejected or generally admitted, as the candidates should agree amongst themselves upon casting up of the poll. No voters, however, attempted to object to such agreement from a consciousness of the feebleness of their pretensions, though the House had determined repeatedly, as in the case of Cirencester, May 21, 1784. Journals, V. 1. p. 708. "That no consent of parties could alter the right of election." And farther, all those who never thought of effectuating their rights until the moment of election, must be bad votes by the common Law of Parliament, upon the ground of fraud and occasionality. No candidate could possibly form a judgement of constituents in any town or borough from the Chamberlain's books, or any other register, as multitudes came in with such claims after the date of the teste of the writ, which multiplied expence, confusion, delay, uncertainty, imposition, &c. upon the candidates; and many hundreds, in consequence of this indecision, were acknowledged to have voted at every election without rights in sufficient numbers to have turned the scale of such election, and to impose a spurious representation on that House. At Bristol, the titles of all such to vote had constantly been paid for by the agents of the different candidates, and such titles were regularly kept in the agent's hands, nor trusted into those of the voters, until the moment of their ascending the hustings. One candidate, whom however he would not name, made 2000 voters after the teste of the writ—Their fees of admission cost him 2500l. and he was returned to Parliament in consequence. Marriage with the widow or daughter of a freeman gave also a right of voting at Bristol, and this ceremony was abused and profaned in the most scandalous and shameful manner; soldiers, sailors, colliers, and all sorts of vagabonds marrying in the morning, going from church to the Chamberlain's office to take out their titles, from thence to the hustings to poll, and immediately after quitting the town and going to sea, returning to their coal pits or their quarters, or elsewhere, without ever thinking more of their election wives. The same man voted frequently under different

disguises three or four different times; they also voted upon the titles of freemen who had died in the hospital, which last was called at Bristol (aptly enough) raising the dead. The last Bristol election during the space of thirty-five days, the computed expences to each candidate per day were 400 l. and about as much more in loss to the community, by idleness, drunkenness, dissipation, riot, &c.: these mischiefs would be in some measure diminished by the late act for the limitation of the duration of elections to fifteen days, but effectually so by the now-proposed bill. As Parliament ever had decided, whether by extension or limitation, upon the qualification as well of its constituents as of its members, in the present case he did not question but the House would be sensible of the expediency of establishing some restraints upon the abuses which he had stated. Most of the impositions and enormities which he had complained of, prevailed in a lesser or greater degree of inveteracy in many of the towns, cities, and boroughs, where the right of election was ill ascertained and defined; and to all such abuses he apprehended the bill which he had the honour to propose would prove a remedy. But were it to diminish the evils prevalent in such perfection at Bristol only, it would, to his apprehension, be found both an useful and a necessary act. One of the worthy members for that city, now absent, wished him last year to bring in such a bill. The other, who was then in his eye, would, no doubt, shew the House his sentiments upon it; and he did assert with confidence, that ninety-nine in one hundred of the inhabitants of Bristol would highly approve of the proposed bill. He concluded with moving,

"That leave be given to bring in a bill for more effectually preventing occasional freemen from voting at elections of members to serve in Parliament for cities, towns, ports or boroughs."

Mr. Jolliffe.

Mr. *Jolliffe* begged leave to remind the House of the late period of the session, and asked, whether a bill which would affect the franchises of some thousands of electors ought to be introduced when there were not above ten days or a fortnight of the session to come?

Mr. Matthew White Ridley.

Sir *Matthew White Ridley* remarked that the title of the bill and the honourable Baronet's opening did not correspond, but contradicted each other. Sir Matthew added, that he represented a town where many of the voters went to sea. He never would consent to disfranchise those who might be unavoidably absent six months, and not have gone through the form of qualification.

Mr. Alderman Sawbridge.

Mr. Alderman *Sawbridge* declared that his wish was to extend the right of representation, and not to narrow it. The bill appeared calculated to limit and abridge it, and

therefore as a friend to an extended representation he must oppose it.

Mr. *Cricket* observed that he represented a borough (Ipswich) many of the electors of which were circumstanced precisely as the honourable Baronet, the member for Newcastle, had stated his to be, and therefore he could not agree to vote in favour of the bill. Mr. Cricket

Sir John Miller consented to withdraw the bill for the present.

The House having resolved itself into a Committee of the whole House, for the purpose of considering the poor laws, Sir Edward Astley took the chair.

Mr. *Rolle* earnestly entreated the Committee to favour him with their attention to a subject in which every man in this country was more or less interested; the state, condition, and maintenance of the poor. It was so extensive in its object, and of such serious importance in its consequences, that he should not have presumed to have taken the lead in such a very delicate and difficult business, had it not been at the express desire of his constituents, whose plan for the better regulation and provision of the poor, his worthy friend and himself were directed to submit to the consideration of the Legislature. In complying with their wishes, they should be happy in rendering any services to their country, at the same time feeling the subject to be of the most public concern, they should hope and trust, not only for the indulgence of the Committee, but the assistance of the House, in endeavouring to attain (what must be all their mutual wishes) a more comfortable subsistence for the poor, and a diminution of the very heavy and increasing rates. In the object they should not disagree, if they did in the mode. The principle, he was confident, the more it was examined, the more it would be approved of, supported and adopted. If the principle were admitted, any alterations or amendments in the detail of which, he allowed there might be many, would prove matters for future regulation. Wishing the plan to be duly considered, and thoroughly understood by the country, before it was discussed, he should for the present only propose to bring in the bill, and fill up the blanks in the Committee, to print it for the consideration of the members during the recess, to which he hoped there was no objection. He should not go minutely into the detail, but confine himself to the great outlines, with a few introductory observations. It was not his intention to move a repeal of any of the existing laws, as it was one recommendation of this plan, that it was not meant to repeal, but to aid, strengthen, and enforce them. Experience convinced them of the necessity of amendments from their present inefficacy. Mr. Rolle.

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Whether these defects were in their formation or in their execution, he would not then discuss. This plan had four principal objects in view, maintenance, settlement, vagrancy, and bastards. Whether it would not be proper to have a separate bill for each, might be likewise a matter for a future consideration. He wished them all to remain in the present bill as component parts of one great system. To prove the increase of the poor, and the intolerable burden of the rates, he need only appeal to the feeling of every person who paid the rate. If any honourable gentleman entertained doubts concerning this circumstance, he would beg leave to refer them to the returns before the House, and to the observation of a very respectable member, whose indefatigable attention to that subject entitled him to the thanks of his country. They would find that the medium annual expences of the years 1783, 1784, and 1785, were at least half a million annually more than they were in the year 1776, exclusive of casualties. This increase might be attributed to various causes, the difference in the value of money, the advanced prices in almost every article of life, the luxury and dissipation of the age, the immorality and bad example of the great and opulent, too often copied, and too frequently adopted by their inferiors and dependants, or inattention to the education of the young, by not training them up in a way to get their livelihood, and to become useful members of the community. An aversion to labour and industry in some who spend every thing in the prime of life, from a firm reliance and certainty of being finally supported by parish relief. There were others who had the inclination, but not the means or encouragement. The desertion and decay of family mansions was a very serious injury, and loss to the poor in the country. In the decrease of labour, temporary assistance in the time of need or sickness, by being opportunely applied, might save many from ruin, destruction, and an untimely end. The most idle and reprobate pauper in this metropolis had many more advantages than the most industrious in the country. Perhaps the former was supported by the very bounty which had been derived from the sweat of the brow of the latter. He supposed that charity was too frequently abused. He did not give this as a general rule without exceptions. These were misfortunes, which, from the temper and fashion of the times, could not be cured. There was another cause for the decrease of labour, and its consequence, population. The enlargement of farms, by throwing two or three into one. Each most probably before afforded a maintenance to a distinct family, employing more servants and workmen than when consolidated. This might be prevented, but it made no part of the present scheme. The object

ject of this plan was to afford comfort and consolation to the poor, to relieve the distresses of the subject, to give a spur to industry, to promote œconomy, and to encourage population. The measure was founded on the basis of the present friendly clubs or societies, which had been successfully established, and advantageously adopted to the comfort of the poor, and the diminution of the poor-rates in many counties. They had constantly flourished under many disadvantages—the uncertainty of the tenure—the fluctuation of the body—the insecurity of the fund—the misapplication and often embezzlement of the capital, without any legal power of restoration or restitution. These obstacles were all removed by this scheme, which established one general club or fund throughout the kingdom, with permanency to the body, and security to the capital. The fund was to be raised by obliging the rich in a certain limited proportion, to become contributors to the benefit of the poor, and to oblige the poor, whilst young and in health, to contribute towards their own support when disabled by sickness, accident or age. This might, at the first view, be thought an oppression of the poor to the advantage of the rich. The advantage to the rich he would admit, but not the oppression; for, on the contrary, it would prove the means of affording them ease, comfort, happiness, and satisfaction. It might be said, were not the rich bound to maintain the poor? Were their estates free till they had paid those taxes? Was it not then unjust to relieve their own shoulders to lay it on the poor? If the fact was true, that the tax would fall wholly on the poor, he would acquiesce; but he was clear that it must and ought to fall alternately on the employer and farmer, in such a proportion as he could not object to. He would first state the terms of subscription by the poor; then the comforts and benefits it would insure; and likewise the advantages it would be to the rich; the weekly subscription of two pence each would entitle a person to four shillings when confined in bed; two shillings walking; one shilling per week for each child above two years of age; ten pence halfpenny after sixty-five, if unable to get three pence; one shilling and four pence halfpenny after seventy, and three shillings after seventy-five, or sooner, if incapable of all labour. The subscription for women was three halfpence weekly. By so small a subscription out of the savings of youth, he would insure a certain provision for a subsistence in the times of sickness, accident, or old age; an increase of children would not be dreaded, as it would prove an increase of resource, and prevent the dread of leaving them to the mercy of the parish, or unprovided for at their death; they would never be liable to be dragged from their residence to be imprisoned

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in the walls of a distant workhouse. They might have an opportunity of spending their latter days, wherever it was most comfortable and convenient. They would be free and independent, and would not be subject to the oppression or tyranny of a parish officer; these benefits and comforts would be alone sufficient to do away all suspicions of oppressions; but he could add others. There was one, which he considered to be the natural right of every subject, that he should have an opportunity of earning his bread without molestation, wherever it was most convenient, and he would more enjoy the liberty of removing whenever he pleased, on the production of a certificate of his subscription and settlement. With this security he might be allowed to continue his subscription wherever he resided. This certificate would have a tendency to check unnecessary and expensive litigation, and to the discovery and commitment of the real vagrant. There was another exemption in this bill from a tax, which was a manifest oppression of the poor, to the sole benefit of the rich, to be obliged to compound or work in the repair of roads, which he seldom if ever travelled; and this none but the obstinate would refute. Having stated the benefits to the poor, he would now point out the advantages to the rich. Even to be the means of affording such comforts would be in itself a sufficient satisfaction for the adoption of the measure. He would likewise prove it to be a saving to the rich by the statement of a case, and that in the strongest manner. He would suppose a gentleman to have a farm at 200 l. a year, and that the complement of the servants and workmen were fifty, double the number sufficient to manage it; he would suppose the present rates to be 2 s. 6 d. in the pound, total 25 l. the subscription for each servant to be (taking the even sum) 8 s. *per annum*, and the women pay less, and the men more. If the owner or occupier paid the whole for fifty, the total was only 20 l. *per annum*, a clear saving of 5 l. *per annum*. If twenty-five servants, then there would be a saving of 10 l. a sufficient reason to give the preference to this measure. There was one other cause, which he most heartily approved of, with respect to bastard children. By the precept at present, wherever the child was born he was settled. This had been frequently the occasion of the most cruel treatment. By this plan, the mother was to be examined, but not removed, and her settlement was to be the settlement of the child. Having given the outlines of the plan very imperfectly, nor could any statement be so satisfactory as examining the whole in detail, he said, he should hope that there would be no objection to submit the plan to the consideration of the Committee. It was a subject which called loudly and feelingly

ingly for their attention. It called more particularly for the attention of His Majesty's government, because every regulation which tended to relieve the distresses of the poor, to promote population, and diminish the rates, must in its consequences better enable the subject to pay the necessary taxes of the State, and to strengthen the kingdom. He begged pardon, and should sit down, returning his sincere thanks for the indulgence with which the Committee had honoured him.

Mr. Young and Mr. Gilbert said a few words each, favourable to the proposed bill, after which the motion was put and agreed to.

Sir Edward Astley reported that the committee had directed him to make a motion, which was as follows:

"That leave be given to bring in a bill for the more effectual relief of the poor, and ascertaining the settlements of bastard children."

Alderman Newnham. Alderman *Newnham* now observed, that in consequence of what had passed the preceding Friday. He had, on that day, declared, that in bringing forward a motion with a view to rescue His Royal Highness the Prince of Wales from his present embarrassed situation, he was actuated by motives of the sincerest loyalty, and the most profound respect and reverence for His Majesty, and that as a mode the least liable to exception, he had thought of an humble address to His Majesty, but in giving notice of such his intention, he had himself desired not to be considered as pledged to the wording of the address. On that occasion, the right honourable the Chancellor of the Exchequer had stated, that of all other modes of application, that of an address to the Throne was the most exceptionable which could be chosen. As therefore his wish was to make the application in a mode the least exceptionable, he rose to desire not to be pinned down to the mode of applying by an address, and to say, that if the right honourable gentleman would point out a mode of application the most unexceptionable, and the least likely to provoke resistance, he would very readily adopt that mode in preference to any which might occur to him. On Friday last, much personal application had been made to him from various quarters of the House, to press him to forego his purpose, and much had been said of the dangerous consequences which might result from the discussion of such a subject. One honourable gentleman (Mr. Rolle) had gone so far as to contend, that it would draw on questions affecting church and state. That expression, coupled with certain hints which fell from the right honourable gentleman, had induced him, as well as other members, to suspect, that in order to deter him from persisting in bringing forward the motion, matters of singu-

lar delicacy were to be agitated without reserve. The right honourable Chancellor of the Exchequer had indeed explained his meaning in a way satisfactory to the House, and in his opinion, the honourable gentleman, who had made use of the expressions relative to church and state, was bound, as a man of honour, to come to an open explanation of what he meant by the allusion. Mr. Newnham said, though he might be thought rash and presumptuous, had he given notice of his intention to move the House on so delicate a subject, on the suggestion of his own mind, and as a private and individual member of Parliament, he trusted that he should not, even in that case, have shewn himself to possess such weak nerves, as to be alarmed and driven from his purpose by any remarks which had been made in the course of that day; but as he was not that rash and presumptuous man, but had been authorized by His Royal Highness the Prince of Wales to make the proposed motion, and to agitate the subject, the House could not suppose, let his nerves be ever so weak, that the Prince was to be terrified and driven from his purpose, by what were in his mind (Mr. Newnham's) idle and groundless apprehensions. His Royal Highness (he was authorised to say) would not shrink from any inquiry, of any sort which the discussion of the subject might make necessary, but at the same time it was his Royal Highness' real desire that the business might be conducted in a way the most respectful and the least exceptionable, and therefore, Mr Newnham said, he should desire not to be pinned down to an application by address, since the right honourable Chancellor of the Exchequer had pronounced that to be the most exceptionable mode of application, and a mode which he was determined to resist.

Mr. Fox. Mr. *Fox* observed, that not having heard that a subject of so much delicacy and importance was likely to be at all alluded to on Friday last, he had not come down to the House on that day. On a former occasion, when the worthy Alderman had given notice of his intention to proceed, by moving an address, he had heard the right honourable gentleman, opposite to him, throw out certain hints, which appeared to his mind extremely like a menace, and that of a very extraordinary nature; but those hints, had been, he understood, on Friday last much narrowed by explanation, and confined to certain correspondences, and letters which had passed upon the subject without doors. On Friday he had learnt that an honourable friend of his had answered what had been said by an honourable gentleman over the way, and had declared, that he did not speak lightly, or without authority, when he asserted, that his Royal Highness did not wish to shrink, from any inquiry, which it might be thought necessary to institute.

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In like manner, Mr. Fox said, he desired to be understood as not speaking lightly, but as speaking from the immediate authority of His Royal Highness the Prince of Wales, when he assured the House, that there was no part of His Royal Highness' conduct that he was either afraid or unwilling to have investigated in the most minute manner. With regard to the private correspondence alluded to, he wished to have it laid before the House, because it would prove the conduct of His Royal Highness had been in the highest degree amiable; and it would present an uniform and a perfect picture of duty and obedience; as much so as ever in any instance had been shewn from a son to his father, or from a subject to his Sovereign. As to the debt, which was the cause of his embarrassment, His Royal Highness, if the House should deem it necessary, was willing to give an account in writing of every part of it, (not of every single sum, or even of every thousand pound, for such an account, the good sense of the House would see to be improper, if not impossible, but a general and fair account, and if any part of it was doubted, from a suspicion, that this or that article of the account comprehended any sum or sums of money indirectly applied, His Royal Highness would give a clear explanation of the particulars, not to the House at large indeed, but to His Majesty, or to His Majesty's Ministers. He had not the smallest objection to affording the House every possible satisfaction, and there was not a circumstance of His Royal Highness' life which he was ashamed to have known. With respect to the allusion to church and state, made by the honourable gentleman (one of the members for the county of Devon) till that gentleman thought proper to explain himself, it was impossible to say with any certainty to what that allusion referred, but he supposed it must be meant in reference to that miserable calumny, that low malicious falsehood, which had been propagated without doors, and made the wanton sport of the vulgar. In that House, where it was known how frequent and common the falsehoods of the times were, he hoped a tale only fit to impose on the lowest order of persons in the street, would not have gained the smallest portion of credit; but when it appeared that an invention so monstrous, a report of a fact which had not the smallest degree of foundation, a report of a fact actually impossible to have happened, had been circulated with so much industry as to have made an impression on the minds of the members, it proved at once the uncommon pains taken by the enemies of His Royal Highness to propagate the grossest and most malignant falsehoods, with a view to depreciate his character and injure him in the opinion of his country. Mr. Fox added, that when he considered that His Royal Highness was the first subject in the kingdom, and the immediate heir to the Throne,

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he was at a loss to imagine what species of party it was, which could have fabricated so base and scandalous a calumny. Had there existed in the kingdom such a faction as an Anti-Brunswick faction, to that faction he should have certainly imputed the invention of so malicious a falsehood; for, he saw not what other description of men could feel an interest in first forming and then circulating, with more than ordinary assiduity, a tale in every particular so unfounded, and for which there was not the shadow of any thing like reality. This being the fact, and as the occasion had made it necessary for him to declare as much, he hoped that it would have this good effect upon the House and upon the country, that it would teach both the one and the other to distrust the reports circulated to the prejudice of the Prince, and lessen any opinions that they might, in consequence, take up injurious to the character of his Royal Highness, who might be said to be a person, in whose fair fame that House and the country were deeply interested. The whole of the debt the Prince was ready to submit to the investigation of the House; and he was equally ready to submit the other circumstance, to which he had alluded, to their consideration, provided the consideration of a House of Parliament could, consistently with propriety and decency, be applied to such a subject. Nay His Royal Highness had authorized him to declare, that as a Peer of Parliament, he was ready in the other House to submit to any the most pointed questions which could be put to him respecting it, or to afford His Majesty, or His Majesty's Ministers, the fullest assurances of the utter falsehood of the fact in question, which never had, and which common sense must see, never could have happened. Mr. Fox said, he had thought it incumbent on him to say thus much in justification of His Royal Highness. He had only to add, that His Royal Highness certainly wished to have his situation taken into consideration; and that when it came under discussion he had no desire to be regarded as wishing to shrink from any inquiry of any sort whatsoever. With regard to the alarming consequences talked of as likely to be the effect of such a discussion taking place, he saw no reason to dread any such consequences. Painful and delicate the subject undoubtedly was; but he must all along consider, that however painful it might prove, and however disagreeable the consequences might be, they were ascribeable solely to those who had it in their power to supersede the necessity of His Royal Highness' application to Parliament to relieve him from a situation embarrassing to himself and disgraceful to the country. In conclusion Mr. Fox declared, that he thought the cause of the Prince the cause of every man who knew the true use of monarchy, and looked upon the family of the Sovereign as the property of

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the people, and as those in whom their dearest and most essential interests were involved.

Mr. Chancellor *Pitt* solemnly declared, that no consideration whatsoever should have induced him to contest with other gentlemen but the extreme importance of the subject, and his anxiety to do those most intimately concerned the fullest justice. He lamented to find that the notice which the honourable Alderman had given, but which he had hopes he would have retracted, at the almost unanimous request of every gentleman who had taken part in the conversation on Friday last, was now again renewed, and, as he feared from what fell from the right honourable gentleman, confirmed. He should not for the present enter into a debate upon the question, but must observe upon what fell from the right honourable gentleman, that having charged him with dealing in insinuations and inuendos, merely because he had stated that there would be disagreeable topics found to mingle in the discussion of the subject; but had declined anticipating that discussion, and had endeavoured as much as lay in his power, to depreciate it entirely, the right honourable gentleman had proceeded a length too far. It little became that right honourable gentleman himself to throw out hints and insinuations evidently calculated and intended to fall somewhere, and upon some person, whom though he had not mentioned him, he seemed to expect the House would be able to discover. Such expressions as the right honourable gentleman had used he was convinced no member would expect him to answer, as the right honourable gentleman did not choose to point his own charge against any individual; nor should he point it for him. The honourable gentleman (Mr. Rolle) to whose words, in a former conversation, the right honourable gentleman had alluded, had, with that zeal which became a good subject, interposed in common with him and many other very respectable members, with their intreaties to the honourable Magistrate to forego his resolution, and not force the House to the discussion of a subject which was of all others to be most avoided, and which he looked upon himself as bound in duty to the Public, to the Prince, and to the Sovereign on the Throne, to prevent if possible. One observation he had to make to the honourable Alderman: He had seemed to understand that his principal objection was to the form in which he meant to bring the business forward; but in this he was mistaken; for his opposition would go to any proposal whatsoever of originating such a subject in that House; so that in fact the mode or form could have very little weight in his consideration, disapproving as he did most completely of the substance.

Mr. Chancellor Pitt.

Mr. Alderman *Newnham* assured the right honourable gentleman, that he had understood him to have said on Friday, the

Mr. Ald. Newnham.

the mode of application by address to the Throne, was that mode of all others the most exceptionable, and which he was determined to resist. His object, or rather that of His Royal Highness, being to apply in the manner most unexceptionable, he had thought it right to decline what he conceived to have been decided upon by the right honourable gentleman as most exceptionable.

Mr. Rolle. Mr. *Rolle* remarked, that after the pointed manner in which he had been alluded to by the honourable Alderman, and more particularly by the right honourable gentleman, it was necessary to say a few words. Mr. Rolle then declared, that he had the sincerest loyalty for his Sovereign, and the highest respect for his successor; which whenever a question of a public and an important nature came to be agitated in that House, he would be found firm enough to do his duty, let it affect whoever it might. With regard to the money which might be wanted, he should not so much regard the sum, but then an account of the debt, and of the manner of its having accrued, ought to be laid on the table; for how could any member of Parliament vote away the public money, unless they knew what it was for? But it ought to be remembered that the Prince was allowed a splendid income, that His Royal Highness' grandfather had not so much as he enjoyed, and he had a family to maintain. There had also been the revenues of the Dutchy of Cornwal, added to his income, which were material considerations. The right honourable gentleman had (Mr. Rolle said) touched upon the very matter to which he had alluded, when he on Friday last, called upon the country gentleman to attend to a question which would affect both church and state. That matter had been stated and discussed in newspapers all over the kingdom, and it had made an impression upon him, and upon almost all ranks of men in the country, who loved and venerated the constitution. The right honourable gentleman had said it was impossible to have happened. They all knew that there were certain laws and acts of parliament which forbid it; but though it could not be done under formal sanction of law, there were ways in which it might have taken place, and those laws, in the minds of some persons might have been satisfactorily evaded, and yet the fact might equally be productive of the most alarming consequences: it ought therefore to be cleared up.

Mr. Fox. Mr. *Fox* answered, that he did not deny the calumny in question merely with regard to the effect of certain existing laws, alluded to by the honourable gentleman; but he denied it *in toto*, in point of fact, as well as law. The fact not only never could have happened legally, but never did happen in any way whatsoever, and had from the beginning been a base and malicious falsehood.

Mr.

Mr. *Drake* said, that he had joined in the chorus of deprecation and intreaty on Friday last, in order to persuade the worthy Alderman to desist from his intended motion; and he had done so, because he wished rather to conciliate, than exasperate, to repair, rather than to widen the breach in that illustrious family, to which he felt the utmost respect to be due.

Mr. *Rolle* rose again, and asked whether in what had fallen from the right honourable gentleman, he had spoken from direct authority? Mr. Rolle.

Mr. *Fox* declared, that he had spoken from direct authority. Mr. Fox.

Sir *Edward Astley* observed, that it gave him great pleasure to have heard from such high authority, a direct and full contradiction of a report which had been so freely circulated in newspapers, made the subject of an infinite number of prints, and had effected a very great and general impression on the public. In some of the prints, Sir Edward said, he had seen imitations of the right honourable gentleman himself. With regard to the Prince's situation, he declared that he wished he could be relieved from it and made easy. There could scarcely exist a gentleman of any feeling, who would not be hurt upon walking down Pall Mall and observing the present condition of Carleton House. What must foreigners in particular think of the country in which the Heir Apparent to the Throne was not enabled to finish a place fit for his own residence? He knew that opinions highly injurious to our national character had been entertained by several foreigners on that account. He heartily wished, therefore, that means were taken to enable the Prince to complete the building. Sir Edward Astley.

Mr. *Sheridan* contended, that it would be extremely unhandsome in the honourable gentleman, who had called upon his right honourable friend to say whether he spoke from direct authority or not, to sit silent after having received so explicit an answer. Mr. Sheridan.

Mr. *Rolle* replied, that nothing which the honourable gentleman could say, would induce him to act otherwise than to his judgement should appear to be proper. The right honourable gentleman certainly had answered him, and the House would judge for themselves of the propriety of the answer. Mr. Rolle.

Mr. *Sheridan* observed, that the honourable gentleman, after having put a pointed question, and received an immediate answer, was bound, in honour and fairness, either to declare that he was satisfied, or to take some means of putting the matter into such a state of inquiry as should satisfy him. To remain silent, or to declare that the House would judge for themselves after what had passed, was neither manly nor candid. Mr. Sheridan.

did. If, therefore, the honourable gentleman did not choose to say that he was satisfied, the House ought to come to a resolution, that it was seditious and disloyal to propagate reports injurious to the character of His Royal Highness the Prince of Wales, and thus by authority discountenance the report.

Mr. Rolle. Mr. *Rolle* contended, that it was his affection for the Prince, and his desire that he should stand well with the country, which had induced him to state that he had heard reports of a nature injurious to his character. He had not invented those reports, but merely said, that he had heard them, and that they had made an impression on his mind. With a view to ascertain how far they had been founded, he had put the question to the right honourable gentleman, and in so doing, he was persuaded that he had not acted in any unparliamentary manner.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* declared, that he had never heard so direct an attack upon the freedom of debate and the liberty of speech in that House, ever since he had sat in Parliament. The privilege of forcing injudicious and distressing motions on the House still remained to every gentleman who chose to avail himself of that freedom, and it was extraordinary indeed to see an attempt made to restrain other gentlemen who wished to interfere for the purpose of depreciating such motions. The honourable gentleman who took so warm a part in the business on the other side of the House, should rather be obliged to the honourable gentleman who was the first to suggest a question, which had been the means of bringing forward so explicit a declaration on so interesting a subject, and one which must give complete satisfaction, not only to the honourable gentleman himself, but to the whole House.

Mr. Sheridan. Mr. *Sheridan* answered, that most undoubtedly the freedom of debate ought to continue unlimited and unrestrained, and no man could wish more sincerely than he did, that it should; but he must deny that he had said any thing which looked like an infringement of the freedom of debate. An honourable gentleman first threw out an insinuation, that something affecting the safety of church and state was involved in a question about to be brought on relative to the Prince of Wales; that insinuation was met by a direct refutation of the calumny to which the insinuation pointed, coupled with an offer that His Royal Highness was willing to stand up in his place as a peer of Parliament, and answer any pointed questions which might be put to him on the subject. The honourable gentleman then desired to know, whether the refutation comes from authority, and he was told explicitly that it did, and then he refused either to say that he was satisfied that his insinuation was unfounded, or

to take the most effectual means of discovering whether it was so or not. This, Mr. Sheridan declared, was the fair state of the case, and he would appeal to the House, nay he would appeal to the candour of the right honourable gentleman (the Chancellor of the Exchequer) himself, whether under such circumstances it was honourable, manly, and fair, or candid, for the honourable gentleman to remain silent, and whether he ought not either to declare that he was satisfied, or to resort to means of ascertaining the fact; for it was adding in a tenfold degree to the malicious falsehood which had been propagated against his Royal Highness, to say that the Prince had authorised a false denial of the fact. The honourable gentleman, by putting the question to his right honourable friend had, as it were, admitted that a direct answer would satisfy him, and he ought to have said that it did, or not to have put the question. He observed, that the right honourable gentleman had himself been obliged to assume, "that the honourable member must be satisfied," since he had never acknowledged that he was so: he must therefore repeat, that the House ought to declare by a resolution, that it was seditious and disloyal to propagate reports injurious to the character of the Prince of Wales.

Mr. *Rolle* rose once more to re-assert, that his affection for the Prince had induced him to put the question to the right honourable gentleman, and the honourable gentleman had not heard him say that he was *unsatisfied*. Mr. Rolle.

Mr. *Grey* supported what had been said by Mr. Sheridan, and pronounced the conduct of Mr. Rolle in not making an explicit declaration that he was satisfied, after the explicit answer which he had received, both unmanly and ungenerous: if that honourable gentleman had not received complete satisfaction, the House, he believed, had. Mr. Grey attacked the Chancellor of the Exchequer for having, when the matter had been talked of in the last week, hinted at the correspondence which had taken place elsewhere, which he had said must be brought forward, if the intended motion were persisted in. Those hints (Mr. Grey said) he had at the time considered as menaces thrown out with a view to deter that side of the House from bringing the business on; but the right honourable gentleman had been greatly mistaken, if he thought that those who gave notice of agitating a question upon so important a subject, were unprepared to meet any suggestion or statement which could be made. The means the most unlikely to prevent the discussion had been made use of in order to produce that effect; and the consequence was, that it was now more than ever impossible to wave entering into it in the fullest man- Mr. Grey.

ner. With regard to the private correspondence without doors, if the right honourable gentleman chose to take advantage of a question respecting a public person, and mingle with it a discovery of what passed in a private correspondence, he must do so; but the House would judge of the fairness and of the candour of the transaction.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* in the most positive manner disclaimed any idea or intention of threat in what had before fallen from him on the subject; nor was it with any view of menace that he would again repeat, that the question must necessarily involve in it considerations of the most delicate nature, and such as could not but give pain and uneasiness to every gentleman in the House, and even to those who brought it forward. But whilst he avowed this reluctance to entering upon it at all, he could not think of relinquishing his duty so far as not to meet it, if forced upon him, with that resolution which became his station: yet, though it was a duty peculiarly incumbent upon him, it also highly behoved every gentleman, to whom the harmony and happiness of the Royal Family was dear, to join with him, first, in deprecating the whole of the business; but if unsuccessful that way, in giving it a decided opposition. He was particularly prepared to meet and disprove any arguments which might be brought in support of the necessity of recurring to that House on a subject which could only with propriety, regularity, and decency originate in the Crown; for he had opportunities of knowing, from the correspondence which had passed upon it, that no such necessity could arise from the want of a fit degree of forwardness in another quarter to do every thing which ought to be done concerning it: yet, as it was a subject to the discussion of which he should be driven with the most heart-felt and painful anxiety, he would not anticipate it, but on the contrary, postpone it to the latest moment possible.

Mr. Grey.

Mr. *Grey* pledged himself to prove the necessity for the Prince's application, since those whose duty it was to do it had not saved him the trouble of throwing himself upon the generosity of the House of Commons. The situation of his Royal Highness was such as disgraced the country: He and every part of the Royal Family ought to be enabled to live with the degree of splendor worthy of their high rank, but the Prince especially. Mr. Grey again spoke of the correspondence which the Chancellor of the Exchequer had said must be brought forward, and reminded him that the question was a public question, with which neither the private correspondence of the Prince, nor the other matter so often alluded to that day, had any sort of connection.

The House adjourned.

*Tuesday,*

*Tuesday, 1st May.*

No material debate occurred.

*Wednesday, 2d May.*

Mr. *Burke* rose to put off the day of bringing forward the sixteenth article of the charges against Mr. Hastings: he yet apologized for being the author of any delay, after having before put off the day, as the charge was not, he said, to have the benefit of being opened by any person possessed of those superior abilities, which had at once excited the admiration and applause of the House in opening some of the former charges, but devolved upon himself, it became his duty to avail himself as much as possible of the abilities of others, and especially of those whose aid and support it was peculiarly his interest to endeavour to obtain. Understanding that gentlemen, and particularly those to whom he had just alluded, were not prepared to form a judgement on the charge, he meant to postpone the opening of it till Friday se'nnight, but he would take that opportunity of declaring, that if gentlemen thought from the great length of the charge, arising from a variety of different sections contained in it, and the immense heap of papers which had been presented, that it would occupy a very great portion of their time, they were deceived: the charge consisted but of two essential parts—the direct mismanagement and misdemeanors of Mr. Hastings in the government of Bengal, and his misconduct in the indirect government of Oude by influence and agency. The facts upon which each part of this two-fold charge rested, lay in a much narrower compass than gentlemen might imagine; nor need they be terrified by the variety of papers before the House, because by turning to the index of the printed volumes of the papers that had been published, they would see at once which of them were necessary to be perused to make out and substantiate the facts, without having the trouble of going through every page of the whole mass*; Mr. Burke said, that he thought it right to give gentlemen this hint, because not being as well informed of the whole of the subject, or as conversant with the India-House papers, when he delivered the charge, as he then was, he had been obliged to move for general papers without much selection or specification. Mr. Burke, before he sat down, gave notice Mr. Burke.

* Vide Collection of India Papers, in 6 Vols. Octavo, Mr. Burke's Charges, Mr. Hastings' Defence, and Minutes of the Evidence; all of which are published by Debrett.

that he ſhould alſo move to put off the ſecond reading of the Report of the articles of impeachment, from Tueſday next to Wedneſday, and the reaſon he aſſigned was, that the Eaſt-India ſtatements which were to be made on Monday might poſſibly induce a long debate, and render it inconvenient to have ſo important a queſtion as that of impeachment diſcuſſed the next day.

Mr. Sumner. Mr. *Sumner* objected to the poſtponing the ſecond reading of the Report any longer than the enſuing Tueſday, obſerving, that it had been ſettled on Monday laſt that it ſhould poſitively come on upon that day.

Mr Chancellor Pitt. Mr. Chancellor *Pitt* hoped that the honourable gentleman would not perſiſt in oppoſing ſo very ſhort a poſtponement of the ſecond reading of the Report as had been propoſed, and the more eſpecially, when he conſidered the very reaſonable plea alledged for it: that in all probability the important ſubject of the Eaſt India accounts, which were to be ſubmitted to the Houſe on Monday, might give riſe to a diſcuſſion of ſuch conſiderable length, as to make it a matter of very ſerious inconvenience to bring on the queſtion of impeachment on Tueſday, for every gentleman muſt ſurely be of opinion, that ſo important and ſerious a ſubject ought not to be begun to be agitated in a thin Houſe.

Mr Burgeſs. Mr. *Burgeſs* expreſſed his ſurpriſe that there ſhould be any longer delay after what he had ſo frequently heard from the gentlemen who now countenanced the poſtponement: he hoped however that Wedneſday next would poſitively be the day, and that the Houſe would peremptorily declare that it ſhould not be deferred longer.

Mr Chancellor Pitt. Mr. Chancellor *Pitt* declared, that he knew not how any ſuch declaration could be made conſonant to parliamentary form, but that there was ſuch a thing as an underſtanding among gentlemen that no farther alteration was to be made; for his part, he entertained not a wiſh to have the queſtion of impeachment longer poſtponed; and he would venture to ſay as much for the right honourable gentleman who had propoſed the change of the day.

Mr. Burke nodded aſſent, and then moved to have the orders read and diſcharged.

Mr. Ald. Sawbridge. Mr. Alderman *Sawbridge* roſe to make his motion relative to the ſtate of repreſentation in Parliament, and ſaid, that if he had the attention of no other part of the houſe, he hoped he ſhould have that of the right honourable gentleman at the head of His Majeſty's Exchequer. Two opinions prevailed relative to the ſtate of parliamentary repreſentation; one, that it was unequal; and called for reformation and amendment; the other, that it was ſufficiently complete as it was. Thoſe who were of the former opinion would, he preſumed,

vote

vote with him, and those who held the latter, would of course oppose him.

The Alderman concluded with moving,

"That a Committee be appointed to inquire into the state "of the representation of the people in Parliament."

The House divided,

Ayes, 57. Noes, 101.

A question having been put, that the Chancellor of the Exchequer be permitted to make a motion, and agreed to,

Mr. Chancellor Pitt moved, "that the post-horse farming "bill be read a second time."

Mr. *Marsham* remarked, that he had the printed bill in his hand, and had taken an opportunity of examining it attentively, but that it had not altered his sentiments respecting the impolicy of introducing so dangerous a system as farming the public revenue in the smallest degree. The preamble of the bill set off with stating, that there were enormous frauds practised in the present mode of collection of the tax on post horses; before the House voted that assertion, he conceived they had a right to have before them proof that it was true. He desired to know where that proof was to be found. The right honourable the Chancellor of the Exchequer had indeed observed, that frauds were notoriously practised; he would put a question to that right honourable gentleman, and he thought himself entitled to an answer. Had the board of revenue, in whose hands the management of the tax was invested, presented any memorial to the Treasury, stating that the produce of the tax was declining, and that such a regulation as the bill enacted, appeared to them to be absolutely necessary? The necessity of such a measure ought to have been established in evidence, before the House were called upon to adopt it. He should judge by the honourable gentleman's answer, whether even the Board of Treasury had reasonable cause to think that there was such a necessity. He thought, that if the bill passed, the revenue would rather be injured than benefited, and a deficiency rather than an increase of the produce of the tax, follow, as the natural consequence; and, first, he mentioned the day ticket, to which he had alluded. In the late alteration of the tax, when the duty per mile had been raised a third, the duty by the day ticket was only raised one seventh; that was, the duty per mile from one-penny to three half-pence per horse; and the duty of the day ticket from one shilling and six-pence, to one shilling and nine-pence. He expatiated on what he described as the prejudicial effects of this unequal alteration, and mentioned the various sixteen miles stages from Canterbury to Dover, Margate, and Sittingbourne, as examples where the evasion of the act was capable of being practised.

Mr. Marsham.

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He also spoke of the stages to and from Maidstone, which was generally deemed the county town of Kent, and said, that if the contracts were put up to sale before any regulations were adopted, to remedy those abuses, and render them not likely to be practised in future, a material injury would affect the revenue, because the average of the produce of the districts, would necessarily be taken from the produce of those districts during the time when the abuses just alluded to had existed. Mr. Marsham mentioned some other facts, elucidatory of his position, that the measure of farming the tax, would rather occasion a deficiency in the amount of its collection, than increase it. He repeated several of his arguments to prove that it would be unwise in that House to countenance the proposition to establish so dangerous a precedent as that of farming the revenue. Upon the whole, Mr. Marsham said, he would make his stand there, and oppose the second reading of the bill.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* answered, that it was needless for him to enter much at length into the disquisition of the principle of a bill, which had been so fully discussed during the course of a preceding day. He would, therefore, merely confine himself to such arguments of the honourable gentleman, as seemed to require a reply. And, first, he would take notice of the honourable gentleman's observation relative to the preamble of the bill containing an assertion which had not been proved. The fact was, that frauds to a considerable amount had been practised. It was a matter of very great notoriety, and where facts were matters of public notoriety, it was by no means unusual for that House to state those facts in the preamble to a bill, as the grounds of necessity on which it stood. With regard to the honourable gentleman's question, whether the Commissioners of the Stamp Office had presented any memorial to the Lords of the Treasury, alledging a growing deficiency in the amount of the collection of the tax on post horses, he had no hesitation to say, that they had not; but what then? He never had heard it argued, that when that House vested the executive management of any tax in either of the boards of revenue, they so far delegated their authority as to have parted with the powers of legislation altogether, and that thenceforward they were rendered incapable of amending their own tax bills, and could not apply any regulation to go in aid of the collection of any particular tax, unless upon application of the Board of Revenue, to whom the executive management of the particular tax in question had been delegated. So far from the Revenue Boards thinking it their duty to recommend regulations, and to suggest amendments, he had found that some Boards of Revenue held their bounds of duty to

be so limited, and narrowed, that they conceived they did enough when they confined their attention solely to the management of the taxes entrusted to their care. This was a doctrine, the Chancellor of the Exchequer said, which he had taken a great deal of pains to overturn, having used many arguments to draw the Boards of Revenue out of the limited line which they had chalked out for themselves, by persuading them that they ought to carry their notions of duty somewhat farther, and to consider it incumbent upon them, not only to state when there were deficiencies in any tax, but to suggest such regulations as should appear to them to be most likely to cure the deficiencies and increase the produce of the tax in question. With regard to what the honourable gentleman had said of the points which called for regulation, all those observations deserved very serious attention, but they might be provided for by a clause in the Committee. The Chancellor of the Exchequer referred to his former arguments, with regard to the nature of the measure, the objections made to it on the ground of novelty, and the effect which it was likely to produce, considered in a constitutional point of view. He contended, that unless gentlemen saw something in it violently alarming, and unconstitutional, they ought not to object to the bill's going to a Committee; and so firmly and so thoroughly was he convinced that there was nothing in the bill which could warrant any such character of it, that he felt sanguine hopes of not finding it any longer resisted.

Mr. *Marsham* declared, that the right honourable gentleman had not satisfied his mind by his arguments. He must still maintain, that previously to the adoption of the measure of farming the revenue, its necessity ought to be established. If the Commissioners of Stamps had not presented any memorial stating that there was an alarming deficiency in the receipt of the collection, nor suggested the regulations proposed in the bill, that House were intitled to know who had suggested either the one or the other. And whose bill was it? Since the right honourable gentleman admitted, that what he had pointed out with regard to the day ticket was fit to be adopted, and that the necessary regulations might be provided for by a clause in the Committee, why not wait another year to see the effect of those regulations, which, in all probability, would cure any late deficiency, and considerably increase the product of the tax? If it then should appear to be a deficiency, it would prove time enough to begin upon a plan of collection so contrary to the established usages of the country, and so repugnant to the principles of the British constitution. Mr. Marsham spoke of the powers given to the farmers of the tax to oblige the collectors to change the mode of keeping their accounts, as extra-

Mr. Marsham.

extravagant, and as arming the farmers with opportunities of exercising their caprice to the great vexation of the innkeepers. He said, that when once people were in the habit of keeping their accounts in an uniform and regular way, it was easy for them to preserve them correctly; but when they were put out of their way, it perplexed and troubled them, so that they were put to great difficulty. With regard to the proposal to let the farmers hold their contracts for three years, he much doubted whether that House could put the power of repealing a tax, or enacting necessary regulations respecting it, out of their reach for such a space of time.

Mr. Lambton.

Mr. *Lambton* confessed, that he rose with much reluctance to speak on the present point, which, he conceived, would be highly oppressive in many respects to the subject, and dangerous in the extreme to the constitution. Similar opinions induced him, for the first time, to open his lips in that assembly; and he felt that he should be wanting in duty to himself, and his constituents, to remain silent at present, however indifferently he should be able to discuss the question under consideration. The right honourable gentleman (Mr. Pitt) and those who placed a kind of implicit confidence in his opinion, might be induced to say, that the opposition to this bill arose purely from obstinacy; but those only would say this, who could oppose no other argument. The advantages could not be held out with any degree of certainty, but the danger of it could; and he would even venture to deprecate the advantage as an increase to danger. If this mode chanced to succeed, what would follow? Why, that the whole of the revenue might and should be farmed. It would be easy to say, notorious frauds have been committed in this branch and that branch, without any specification. Why therefore not farm them? See the success of this mode in the post-horse duty. Here the danger lay; he therefore wished to see that danger crushed in the bud. Precedents had even been quoted to sanctify this measure; every plausible argument which could possibly be urged in its favour was adduced. Arguments, however, still stronger, were applied, and he hoped they would have their due weight, at least with those who dared to think and act for themselves. The best writers on this subject, of what nation soever, were decidedly against the measure. In his opinion, the taxes imposed were already weighty enough, without adding any additional weight, or without adding what might seem a grievance, even though it were not one. Well known was the detestation in which the farmers general of France are held; and could it be supposed that those who should contract for the present duty, would be held in less by a free people who are willing to pay what their representatives im-

pose,

pose, without the additional circumstance of being urged, which seemed of all others so ungenerous, that he trusted it would be seen in its proper light, and treated with the indignation it deserved. The preamble set forth notorious frauds; and yet the tax, in the very last quarter, was allowed to increase 9000 l. Was not this in itself a sufficient argument, that those notorious frauds were ideal, or at least dragged in to help out and varnish a measure of all others perhaps the most unconstitutional. Was this measure introduced merely to gratify that inordinate desire of innovation, that so invariably marked the present Administration? Some of those innovations already disgraced the journals of the House; the wisdom of Parliament had rejected others; and he now trusted that its wisdom would shine as conspicuously on the present occasion. He had just come from the country, in which the effects of a similar measure were but too visible; it had raised his indignation, he was ready to confess, and was even warm in his mind; it was not to be wondered therefore, if he should not take up the time of the House in particularizing the fatal consequences of this measure, as the very principle was sufficient to condemn it. In case of a decrease of revenue, from bad seasons in the West Indies, or other incidents equally plausible, the Minister had nothing to do but come into the House, insist on putting up the other branches of the revenue to auction, and thus barter the unalienable privileges of the constitution. This mode, besides, went directly to increase the power of the Crown, which of all others the House should be watchful of with a most jealous eye.

Mr. *Rose* contended that the bill was in his opinion easily defensible against the objections not only of the honourable gentleman (Mr. Marsham) but of the honourable gentleman who had just sat down. It was neither a bill introducing a new precedent, nor a bill which gave any new powers to any set of men whatsoever. He instanced a case in point to prove this, and declared that as to the difference of the effect of the last alterations of the duty between the day ticket and the duty paid per mile, that matter had been foreseen and agitated when the bill, authorising the last alteration of duty, was under discussion, and that the bill's being liable to the abuse complained of by the honourable gentleman had been stated at the time; but that it was then thought that a certain description of travellers were in fairness entitled to the indulgence, notwithstanding that it did open a door to the abuse in question. With regard to what the honourable gentleman who spoke last had said of the principle of farming the revenue, as practised in France, and the proposed plan of farming the post-horse tax, no two Mr. Rose.

matters could be more widely different. In France, the farmers general were a body corporate, who held not merely the collection of the revenues in their hands, but a monopoly of the articles of revenue themselves. Whenever the King of that country wanted money, he applied to the farmers general, as he could borrow of no body else; but before the farmers general would consent to lend him the sum he wanted, they generally proposed terms, and demanded certain powers to assist them in enforcing and swelling the collection of the new species of revenue on which the money was borrowed. The King being thus in the hands of the farmers general, he was obliged to submit, and thence the subjects were so cruelly harrassed and oppressed as they were, especially in the two principal articles of revenue, salt and tobacco. But the case proposed by the present bill was exceedingly dissimilar. The tax to be collected was an ascertained sum, no more than which could on any pretence be levied, and it was paid by the traveller's leaving it behind him as he journied, in the hands of each innkeeper. With respect to the contract holders having it in their power to vex and harrass the innkeepers and the collectors, by frequently changing their mode of keeping their accounts, as the honourable gentleman who began the debate had mentioned, it was a mistake; for, by the clause in the bill, they were only empowered to direct any such change to be made, with the consent of the Commissioners of the Stamp Office.

Mr. Bastard

Mr. *Bastard* having the bill in his hand, proceeded through the clauses, pointing out such particulars as appeared exceptionable to him. He insisted that the bill set off upon very uncertain, though plausible, grounds, as the preamble stated, that notorious frauds had been committed, without specifying any one of those frauds; which, in his idea, would have added some weight to the necessity of the bill. A Committee for that purpose ought to have been appointed; for, as the frauds were acknowledged to be notorious, he did not see the difficulty of collecting and arranging them. No doubt, those who intended to bid for this duty, must be masters, in a degree, of those notorious frauds. He therefore thought the House as well entitled to the knowledge of them as the purchaser; besides, as this tax had increased 9000 l. in the course of the last year, why might it not increase in the succeeding year? Would it not therefore be better to postpone it for that purpose, in order that the Public might benefit by that increase? And this the rather, as they must have just the increase of the last year, if it had been farmed previous to that period. And that there was a prospect of increase, however temporary, was very visible. The treaty between us and France must of course increase

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the number of travellers. These circumstances, he thought, deserved attention.

By a clause in the bill, he saw that those contractors were not to be deprived of their votes. This was the tree destined to bear the fruit which Ministry was to pluck; but he hoped the House would blast that fruit in its bud. No man wished better to the legal increase of the revenue than he, and he was certain that all lovers of their country, and especially at this time, should feel the same patriotic anxiety. But this was only a secondary consideration. His opposition to this bill arose, in the highest degree, from his attachment to the constitution, on which he did not like to see any experiments; and it was plain to the meanest capacity, that this was a measure not only foreign to the freedom of our independence, but in every respect hostile. It was a measure entirely known to despotism; and if one precedent gained ground, it paved the way for another. Executive government, in adopting this measure, was giving up their respondency, and the power of redress, which was the last thing they should part with. Provided the subject was aggrieved, and complained, what could the House on such an occasion do? Why, nothing till the contract expired. The contractor knew this; he could triumph in the security of his bargain; he could enter the house of the subject like Shylock, with a pair of scales in one hand, and a slaughtering knife in the other, to demand his bond, and the penalty of his bond; and whither could the afflicted fly for redress? Not surely to those who had parted with that power, and who might repent it when it was too late.

One argument he remembered in favour of the shop tax, that it was an impost which found its way immediately into the Exchequer; but this argument could not apply to the present mode; the qualification of those contractors made no part of the bill. No matter how bad their characters, provided they gave sufficient bail. He recollected an oriental observation, which came home to this point. The character of one of the Indian contractors was acknowledged to be infamous. What was the excuse on that occasion? Why, the less humane, the fitter for the purpose; and who knew but that Congo Govin Sing might hereafter farm the imposts of Englishmen? He therefore trusted, that gentlemen would feel as he felt on the occasion, and give proof of the same, in the rejection of a measure fraught with such unspeakable danger to all which Britons held dear.

Mr. *Powys* declared that he should not oppose the second reading of the bill, but he wished very shortly to state to the House the reasons which induced him so to consent. Mr. Powys then pointed out the view which he had taken of the Mr Powys.

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bill, the manner in which it struck him, and the extent to which he was willing to go with it. He adverted to parts of it which he thought highly objectionable, and said that in the Committee he would state his reasons for such alterations as he should propose, and expect to have adopted, before he could give his consent to the bill.

Mr. Addington.

Mr. *Addington* rose to defend the bill against the various objections urged against it. The principal point of his argument was, that it did not alter or lay any new tax on the subject; it merely provided a new mode of collecting a tax which the Public already paid, and it did not put it in the power of the farmers to oblige them to pay more. If it were, as it had been described, a plan for generally farming the revenues, he declared that he should not support it, but it was a very different matter. Mr. Addington quoted Mr. Neckar, to shew that this ingenious writer and able financier had expresly declared it to be his opinion, that the subjects could never be oppressed by taxes, or their mode of collection, in consequence of their being originally submitted to the judgement of Parliament, and discussed publicly in both Houses previous to their being made and declared to be legal.

Sir William Molesworth.

Sir *William Molesworth* argued in favour of the bill, and said that the plan would have this good effect: it would take the money which went into the pocket of the Postmaster, who was a rogue, and convey it to the Exchequer. He had supported the shop tax, because he thought it a good tax. Could it be proved to the satisfaction of his mind that it was not so, he should oppose it.

Mr. Martin.

Mr. *Martin* remarked two words often occurred in the debate, and were used in that House frequently (in his conception) very erroneously; these were innovation and precedent. He had known many salutary innovations, and some excellent precedents. With regard to the bill, he thought of it as his honourable friend (Mr. Powys) did, of whose sentiments and judgement he entertained a very high opinion. There was nothing in it which appeared to render it improper to go to a Committee, but then he should wish that some parts of it might be amended.

Mr. Rolle.

Mr. *Rolle* declared that he had listened attentively to all which had been said respecting the bill, and that he had not heard any substantial solid objection to it. Arguments arose in shape rather than in substance. Every gentleman who travelled much must know that there were repeated evasions of the tax fradulently practised, and that the traveller paid the duty, though it did not find its way to the Exchequer. He should therefore support the bill; but if he thought it

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was at all unconstitutional, no man in the House would be a more determined opposer of it than himself.

Sir *Richard Hill* remarked that there ought to be more listeners than speakers, but that he felt himself constrained to break silence. He had been constrained by the arguments on the other side of the House to become a speaker. Those arguments were so strong, that they had thoroughly convinced him. He begged leave to explain himself; they had operated upon his mind like a reflecting telescope, and convinced him that the reverse of the picture which they exhibited was the true picture of the bill, and that it was a wise, an unexceptionable, and a good bill. He observed that in discussing its merits gentlemen had chosen to cry fire! fire! the constitution is in danger! and in order to quench the first spark which they saw likely to put the whole into a flame, all the water plugs of patriotism were pulled up, and the buckets of opposition discharged upon it. He did not think that the present bill could be deemed an attack on the constitution in any sense of the words, nor could it be called a question deeply affecting Church and State; for he knew not that the church had any thing to do with the post horse tax; nay, he believed there was a clause in the act excepting every person who rode to church from paying it. With regard to the outcry against the bill, because the French farmed all their revenues, he thought they might as well say, that because the French King was an arbitrary and despotic Prince, that all monarchy was bad; they might as well say, that if a French Papist, or any other Papist, declared that he believed in God, and the immortality of the soul, that he (Sir Richard) ought to turn Atheist and Materialist. He took occasion to introduce the coalition, and said that was an innovation; but that the House, seeing the badness of the precedent, had demolished it at its outset. The two individuals who formed that monster, had, he said, been two human beings with wonderful large craws. He remarked, that as the farmers were to begin to bid at a higher sum than the collection had ever amounted to, the Public must gain, and could not lose; and that circumstance alone therefore proved that the bill was wisely framed, and as to any thing which had been said against it, Sir Richard declared that he never heard such a waste of words on any occasion whatsoever. Sir Richard Hill.

Mr. *Windham* presumed the honourable Baronet had thought that the dull and dry discussion of a serious constitutional question required to be interspersed with some entertainment, in like manner as they had often seen a serious drama followed by a person's coming forward to sing a laughable song, in order to relieve the minds of the auditors Mr. Windham.

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from gloomy thoughts; but the honourable Baronet had not taken care that his interlude should possess as much novelty as was usual on such occasions; since, if he had not quite erred in point of recollection, he had heard some of the same witty allusions before, and had read others in common newspapers. In some places also the honourable Baronet's malice seemed to have outrun his wit; for to what else could be imputed his introduction of a well-known political event, to which the question bore not the smallest degree of connection? The motive therefore was so evident, that it could scarcely be mistaken; and indeed it seemed merely for the sake of that single point that the honourable Baronet had risen, for he had not said one word to the bill which looked either like argument or originality. All which he spoke had been *merum sal*, pure wit; but lest he should himself incur the very charge he was making, Mr. Windham said that he would come to the point under discussion. He then proceeded to prove, that even if it were true, that although the revenue might receive an increase of the product of the tax, yet it might happen that we gave too much for that surplus. He illustrated this by saying, that if the largest collection of the tax had produced one hundred thousand pounds, and the farmers consented to give one hundred and five thousand, yet if they by an enforced collection obtained one hundred and ten, or one hundred and fifteen thousand, we clearly gave away five or ten thousand pounds for five thousand, and the Public paid the whole. Mr. Windham contended, that it was the duty of Government to try themselves, by apt and proper regulations, to keep the collection in their own hands, and thus hold all which was really paid by the Public, and not put in the power of grinding farmers of the revenue to make large fortunes at the public expence. He treated also of the bad precedent which he feared the present bill would establish, and asked whether any men first introduced a precedent which might be made a mischievous use of, in a manner glaringly objectionable in itself?

The Attorney General. The *Attorney General* contended that the post-horse tax, from its peculiar constitution, was perhaps the single tax to which the principle of farming could be clearly and effectually applied. Most, if not all the other taxes, had something in them which made it almost impossible that they should be farmed at all. But so far was he from being a friend to the idea of putting the whole revenue to farm, that he could declare that if ever such an attempt was made, he would himself resist it with all the opposition in his power. With regard to the existence of the frauds, which formed the ground of necessity for such a measure as that proposed, they were notorious, and that to a most enormous degree.

degree. He denied however that the measure was any innovation. On the contrary, the farming of the cross road letters by Mr. Allen was a case in point; for the Legislature in that case, though they had not expressly authorised it, never met it with their reprobation. He gave the House an account of the adoption of that measure, and said, that at the time the Crown enjoyed its hereditary revenues, the revenue of the Post Office was holden by George the First for life. When the scheme of farming the cross-road posts was in contemplation, a case was drawn and submitted to the Crown lawyers, in order to learn their opinions whether the King could sign a lease of a part of the Post-office revenue? The lawyers answered, that he might provided the lease terminated with his life; and accordingly the cross posts were let to Mr. Allen, and no complaint of injustice, oppression, or breach of the constitution, was ever heard.

Mr. *Windham* answered, that the circumstances to which he pointed, when he had talked of the danger of establishing a bad precedent, was what might happen in times when the honourable and learned gentleman might not be a member of that House. Mr Windham.

Viscount *Maitland* said, an honourable and learned gentleman, (the Attorney General) had been arguing that no other tax was, from its nature, fit to be farmed; and yet he had, in the same speech, quoted Mr. Allen's having farmed the cross-road posts, a tax on the Public as distinct and different from the post horse tax, as any two matters possibly could be. His Lordship said that the side of the house on which he stood were combating a bad and dangerous principle, on a broad constitutional basis, and they defied the other side to argue for it upon the same foundation. Viscount Maitland.

Sir *James Johnstone* hailed these happy times of liberty, when there was not one slave in Britain; for the colliers and salters had obtained their freedom in the month of February last. He declared his good opinion of the present bill, and, by way of confirming the argument, that it was neither an innovation nor a new precedent, he reminded the House, that formerly all the revenue was farmed in Scotland; that at this day the revenue was farmed in Holland, and he had been told in Sicily. Sir James Johnstone.

Mr. *Drake* spoke in favour of the bill, and said, that the tax was unexceptionable, and collected with great ease. He signified his intention to move in the Committee to make the contracts annual, if there was no objection to such a limitation. Mr. Drake

Sir *Benjamin Hammet* argued against the principle of farming a tax; but observed, that unless he heard it proved that the collection could be secured, so as that the whole of what Sir Benjamin Hammet.

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the Public paid went into the Exchequer by other means, he ſhould vote for the bill, as an experimental bill. Sir Benjamin declared that he thought the principle of the tax fair, and whenever he felt this, he would ſupport the Miniſter in ſecuring the collection of his taxes.

Mr. Fox. Mr. *Fox* profeſſed himſelf to be of opinion with Mr. Martin, that the words innovation and precedent were too often miſapplied in that Houſe, and for that very reaſon he declared himſelf an enemy to the bill, becauſe knowing, as he did, what uſe was made of a precedent in that Houſe, after having been once received, he was always extremely cautious in ſuffering a precedent to be eſtabliſhed. So ſure was he that the precedent of farming the revenue need not, and ought not, in the caſe immediately under the conſideration of the Houſe, to be eſtabliſhed, that ſhould the bill be carried to a Committee, he would leave that Committee to itſelf, hoping and truſting that the Committee would make the bill ſo exceptionable, and ſo defective, that the bill could produce no revenue at all. He entered into a large ſcope of argument, to prove that a principle of farming any part of the revenue was a principle pernicious in the extremeſt degree, and ſuch a principle as ought never to be introduced but in a caſe of the moſt urgent and the moſt unqueſtionable neceſſity. He inſtanced the origin of the Exciſe, which had been founded on undeniable neceſſity. He compared the principles of the hill with thoſe of his own India bill, and contended, that, in reſpect to the increaſe of the influence of the Crown, in the creation of new dependents, they were ſimilar; with this difference, however, that the perſons appointed under his bill were amenable, and ſubject to the control of Parliament; whereas the perſons appointed under this bill were ſubject to no ſuch control. He aſked what could have induced the Miniſter to alter the mode of collection? At preſent it was the intereſt of the collector to increaſe the produce of the tax, becauſe he in proportion increaſed his own profits. For every ſhilling which the collector got the revenue received ten. Why then ſhould a middle man be called in to make a fortune at the public expence?

Mr. W. Grenville. Mr. *W. Grenville* contended, that the farming of the turnpikes under a general act of parliament was an unanſwerable precedent for the preſent bill, and that the letting the croſs poſts to Mr. Allen was a ſtrong collateral confirmation of that precedent: he remarked, that although the poſt-horſe tax might be farmed, yet the apprehenſions that the other articles of the revenue in general might be farmed likewiſe, were idle and ill founded There were various articles of commerce, of manufacture, of arts, and of uſe,

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which from their nature and constitution could not be put under the excise, from the inapplicability of the excise laws to such articles. In like manner there scarcely was an article to which the principle of farming could be applied, excepting the post-horse tax. Essential was the distinction between the appointments under the right honourable gentleman (Mr. Fox's) India bill and the appointments under the present bill; they were by no means analogous. With respect to the present collectors having an interest in making their collection as large as possible, it was true; but if they were dishonest men, and heeded not their oaths, instead of taking the one shilling out of ten (as stated by the right honourable gentleman) they might sink the whole ten.

Mr. Alderman *Townsend* observed, that it was agreed on all hands that the bill was an innovation, and every innovation ought to be grounded on an established necessity: no such necessity had in the present case been established, and *that* for the best reason, because no such necessity existed. The deficiency in the produce had arisen in consequence of frauds, but the prosecutions, a year ago, had greatly reduced the deficiency, and almost entirely cured the frauds; the informations lately made being comparatively very few indeed. The messengers of the Treasury and Admiralty, and of the Secretaries of State's offices, travelled much, and they were the proper persons to give the informations, whenever they were witnesses of fraud and imposition. If *they* did their duty, there could be no occasion for farming the tax, which certainly was a bad precedent. Mr Ald. Townsend.

The House divided,

Ayes 162 — Noes 95 — Majority 67.

The House adjourned.

*Thursday, 3d May.*

No material debate occurred.

*Friday, 4th May.*

The following petition was presented by Mr. Sheriff Higgins:

To the honourable House of Commons, &c.

"The humble Petition of the Lord Mayor, Aldermen and "Common Council, &c.

"Sheweth,

"That the great advance in the price of meat and other "provisions of late years, by distressing the middling and "lower classes of people, has a tendency, in the apprehen-

"sion of your petitioners, immediately to injure, and at "length to destroy, the manufactures and commerce of the "kingdom.

"That your petitioners are advised and believe, that such "advance has been partly occasioned, and is likely to in-"crease, by the repeal in the 12th year of His present "Majesty of most of the laws which the wisdom and ex-"perience of our ancestors had found necessary to prevent "forestalling and regrating of cattle and other articles of "provision.

"That your petitioners apprehend the said evil may in "some degree be removed by reviving to a proper extent "the laws against forestalling and regrating, and by ascer-"taining licensing and regulating the persons employed as "salesmen or factors in cattle and other provisions.

"That your petitioners have entered into a very serious "inquiry of the causes of the said evil, which, from the "importance of the subject, has occupied their attention "for a great length of time, and has prevented their pre-"senting a petition within the time limited by this honour-"able House for presenting petitions for private bills.

"Your petitioners humbly pray that leave may be given "to bring in a bill or bills to prevent forestalling and re-"grating, and for licensing salesmen, factors, and others "employed in the sale of cattle or other provisions, in "such manner as to the wisdom of the honourable House "shall seem meet."

The previous petition was the same with the addition in the prayer, that *they may be permitted to present a petition*, &c.

It was moved that it should be received, and ordered to lie upon the table.

Mr. Dempster.

Mr. *Dempster* represented this as needless; and regarded it as an infringement upon the right of members to move for the passing or repealing of any act.

Mr. Vyner.

Mr. *Vyner* observed, that the petition came too late in the session to admit of hopes of the relief desired in the course of the present year.

Sir Watkin Lewes.

Sir *Watkin Lewes* contended for the propriety, and even the urgent necessity of receiving it.

Mr. Dempster.

Mr. *Dempster* again declared, that he considered its presentation as an infringement of the privileges of the members of the House; and added, that the time stated for receiving private petitions was elapsed.—It was, however, at length received.

As soon as the Chancellor of the Exchequer came into the House,

Mr. Alderman Newnham.

Mr. Alderman *Newnham* rose, and addressed the Chair in the following words;

"SIR,

"SIR,

"I am extremely happy that the motion which I was to "have had the honour of making this day, is *now* no longer "necessary; and it is with the most sincere and heart-felt "satisfaction that I inform the House, that I decline bring-"ing it forward" *.

Mr.

* Our readers will probably approve, as it is not unconnected with the debate, of the insertion of the following:

*Narrative of the late transaction respecting the business of the* PRINCE *of* WALES.

On Sunday the 29th, or Monday the 30th of April, an intimation was given at Cumberland-house, that if the Prince had no objection, Mr. Dundas would be glad to have an interview with his Royal Highness. On this being communicated to the Prince, he sent back word he was ready to see him whenever he should call at Carlton house. Accordingly, on Wednesday the 2d of May, late in the evening, Mr. Dundas had a long general conversation with the Prince, which ended with Mr. Dundas's requesting that the Prince would permit Mr. Pitt himself to wait upon him. To that his Royal Highness assented; and Mr. Pitt, in conformity, was with the Prince at Carlton house the next day (Thursday) for more than two hours: in this long conversation, the Prince stated all his circumstances fully to Mr. Pitt, who then promised to lay the same before His Majesty, and to return an answer as speedily as possible.

Mr. Pitt from thence went immediately to the King, and the same evening a Cabinet Council was held at nine o'clock, which sat until midnight; when an answer in writing, by His Majesty's command, was dispatched by Mr. Pitt to the Prince, informing him in general terms, that in case his Royal Highness thought proper to withdraw the motion intended to be made the next day in the House of Commons, every thing should be settled to his Royal Highness's satisfaction.—Agreeably to this, the motion was the next day (Friday) withdrawn by Alderman Newnham, as being no longer necessary, after which, to the infinite surprize of the House, the Minister rose up in his place, and said, that he could not see, for his own part, that the motion was then either more or less necessary, than it ever had been; and added, (in answer to Mr. Rolle's question) that no terms of any kind were settled, but that matters remained in statu quo.

This proceeding being related to the Prince, his Royal Highness, the same night, wrote a letter with his own hand to Mr. Pitt, requiring an immediate explanation of his extraordinary speech delivered that day in the House of Commons.

Mr. Pitt, in answer, requested leave again to wait upon his Royal Highness. Accordingly the Minister went on Saturday at noon to Carlton house, and had another long conference with the Prince, in which his Royal Highness (in order to prevent any more mistakes) gave to Mr. Pitt, in writing, his proposals, which were in substance, viz.

1st. The Prince of Wales to have his debts paid off, in part at least.

Mr. Drake. Mr. *Drake* remarked, that as he was one who had joined his *feeble* voice [as Mr. Drake possesses a most powerful voice and always speaks uncommonly loud, there was an universal roar of laughter] a voice, he said, undoubtedly, not feeble by nature, but *most feeble* when weighed with the little importance of the person who possessed it. He had joined, however, his *hearty* voice to those most respectable men who had endeavoured to persuade the honourable alderman to desist from his purpose, and his motive for so doing had been a sincere wish to sooth and not to irritate, to calm and not to disturb, to heal and not to wound, where he wished the most perfect harmony and happiness always to prevail. He declared his unfeigned joy at having heard that the motion was not to be made, and observed, that it must fill with gladness every heart which felt (as it ought to feel) a due respect for parental authority and filial duty and obedience, and a proper sense of the honour of that House and of the country. The time which threatened so much evil was passed, and he trusted *for ever* passed, and that they should never find any branch of the Royal Family standing forward in that House against the Sovereign,

2dly. To have a sum granted sufficient to finish Carlton-house.

3dly. To have such moderate increase made to his annual income, as may be sufficient to prevent his running in debt in future.

With these propositions Mr. Pitt took his leave, and on Sunday dispatched them by a special messenger to Windsor to the King, who on Monday last returned his answer signed in form by His Majesty's own hand.

This answer was on the same day (Monday) delivered by Mr. Pitt to the Prince at Carlton House, and is nearly to the following effect, viz.

1st That His Majesty was glad to find the Prince of Wales ready to submit his accounts to inspection.

2dly That it would be necessary for the Prince, not only to ascertain the whole amount of his debts, but also the particulars thereof, with an exact account how each debt was incurred.

3dly. That the Prince shall engage not to run in debt in future.

4thly. That upon the specifications above required, would depend His Majesty's determining upon whether he should agree to the payment of the whole, or any part of the Prince of Wales's debts.

5thly. That His Majesty cannot think any increase of income necessary, so long as the Prince of Wales shall remain unmarried. This answer cannot be supposed to have been in any way satisfactory to the Prince of Wales.

However, nothing was said upon the business in the House either on Monday or Tuesday, and nothing on those days was done farther than that the Prince on Tuesday sent his Commissioners, Colonels Lake and Hulse, with Mr. Lyte, his Treasurer, to Mr. Pitt, with all his accounts, &c. &c. for the inspection and the information of His Majesty.

litigant

itigant and hostile. Mr. Drake professed his loyalty and attachment to his Sovereign, the love of whose people for his royal person had, he said, on a late affecting occasion, been manifested in a way the most evident and universally distinguishing: he declared his anxious wishes that His Majesty might continue to reign over a great, a loyal, and an united people, till the utmost period of humanity, and that when by a course of nature his successor should mount his throne, he might copy the pious example of his Royal Father, and by the same purity of manners, and by the same even tenor of conduct, render himself equally the object of his people's love, respect, and reverence. He spoke of Her Majesty in terms of enthusiastic esteem and admiration, and after a variety of expressions of satisfaction in what he stiled the *sunshine of the day*, from the happiness of the event which had occurred, he thanked the House for their indulgence, and declared that the warmth of his feelings had impelled him to deliver the few things which occurred to him in a very disarranged and unconnected style, but the excessive gladness of his heart was superior to eloquence, and the pleasantness of his sensations almost deprived him of the power of uttering his sentiments intelligibly.

Mr. Chancellor *Pitt* observed, that he belived he need not say how heartily he concurred in the joy which the honourable gentleman expressed, and which he was convinced that every gentleman felt in common with him, at finding that the honourable magistrate had at last discovered, that in consequence of steps very recently pursued by his Royal Highness the Prince of Wales, the measure which he had undertaken was unnecessary; a measure which he was convinced none of those gentlemen who intended to support it, would have supported, if they had not been convinced of its necessity, but which those who intended to oppose it, were equally convinced was *not* necessary. He could not for his own part avoid declaring, that as he had all along considered it to be unnecessary, so he did not *now* see that it was more so than at the time when the notice was given; but he was extremely happy to find that the honourable alderman and he were at last of the same opinion upon the subject. Mr. Chancellor Pitt.

Mr. *Rolle* declared, that he was extremely glad to find, that a motion which could not be discussed without infinite mischief to the country, was withdrawn. What the terms were upon which the difference had been compromised, was an entire secret to him; but if it should hereafter appear that any concessions had been made humiliating to the country, or dishonourable in themselves, he would be the first man to stand up in that House, and stigmatize them as Mr. Rolle.

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they deserved. He hoped, however, that this was not the case, and he sincerely rejoiced that the motion was withdrawn.

Mr. Fox. Mr. *Fox* remarked, that he trusted nothing would occur to disturb the unanimity which every man must wish should distinguish their conduct on an occasion in which all must feel the highest satisfaction, and he would certainly take care, that nothing which he said, should cause the discussion of a subject which had much better remain as it was; but it was incumbent upon him to declare, that he was then, as much as he ever had been, convinced, that the motion had been necessary, as much so as he was at that moment convinced that it was no longer necessary. Mr. Fox added, that it would remain to be seen by some substantial acts, whether the motion had been necessary or not.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* answered, that he was equally averse with the right honourable gentleman from saying any thing which might lead to a discussion of the subject, but he must declare that he knew of nothing which could make the motion less necessary now than it had ever been; for nothing had taken place which might not have been brought about, without any such interference as that which had been resorted to. As to what the honourable gentleman (Mr. Rolle) had said, of terms and conditions, he knew of none which had been made; and with respect to substantial actions to which the right honourable gentleman had alluded, there was nothing could be done on one part, except in consequence of certain steps to be previously taken on the other.

Mr. Rolle. Mr. *Rolle* declared, that he felt the greatest loyalty for his Sovereign, and for every part of the Royal Family, whom he should ever wish to see supported with a dignity becoming their rank, and becoming the character of the country; but his feelings went not to the individuals; he had no personal favour to look for, or expect, and he wished his future actions to be the test of his conduct. With regard to what he might do in respect to the subject under consideration, he stood there in a public character as a member of parliament, having a public duty to discharge; and therefore he must repeat, that if it should hereafter appear that the terms of the compromise had been humiliating or dishonourable, he should hold it incumbent upon him to declare that they were so, without at all considering whom it might affect.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* begged leave to assure the honourable gentleman, that no person could entertain a doubt of his being actuated by motives the most pure and loyal that any gentleman could feel. It was a subject on which he hoped and believed no gentleman could act on motives of a different nature. As to any apprehensions of dishonourable concessions having been

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made, there were no concessions of any sort made on the part of that person, who was the highest and most distinguished alluded to on the present occasion, the conduct which that person had pursued, was uniform and consistent throughout, and he had not, in any one instance, departed from those principles which had all along influenced his proceedings.

Mr. *Fox* observed, that he had said nothing about terms, and that he thought the mention of any thing like terms highly improper, and as objectionable as the right honourable gentleman could possibly think it himself, but as the right honourable gentleman had thought proper to say, that the conduct of one party had been uniform and consistent, it became his duty to declare, that the conduct of the other party alluded to had been equally uniform, and that the most clear and explicit declaration had been made to explain, that nothing but what was most respectful and most proper had ever been intended. It was therefore to be hoped, that both parties, by steadily pursuing their separate and distinct lines of conduct, would meet at last, and when the difference which had prevailed should be found to have arisen merely from a misunderstanding, that a complete reconciliation would take place. Mr. Fox.

Mr. *Sheridan* remarked, that he did not dissent from the right honourable gentleman's wish, that the conversation should not be prolonged. He did not, however, conceive that the necessity for abridging it, could arise from any apprehension that it could terminate in altercation, or difference of opinion.—He could not but believe, that upon that day there existed but one feeling, and one sentiment in the House,—that of a heart-felt satisfaction at the auspicious conclusion to which the business was understood to be brought.—He would not enter into the distinctions which the right honourable gentleman had attempted to make;—if it was meant to be insinuated that the merit of this presumed reconciliation belonging exclusively to His Majesty's Ministers, be it so.—The gentlemen who were supposed to be admitted to the honour of His Royal Highness's confidence, would convince them of their sincere anxiety that that end should be obtained, by waving every claim to credit, with regard to the means.—In truth, the measures which had been adopted, were the result of His Royal Highness's own judgement, which none but those who did not know him, could consider as needing the aid of any other person's council whatever. Mr. Sheridan.

Mr. Sheridan wished it however to be understood, that though His Royal Highness felt the most perfect satisfaction at the prospect before him, in which he was convinced that the idea of relief from pecuniary embarrassment, farther than

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it gratified the juſt and honourable feelings of his royal mind towards others, had the leaſt ſhare; yet did he alſo deſire it to be diſtinctly remembered, that no attempt had at any time been made to ſcreen any part of his conduct, actions, or ſituation, from their view; and that he had even offered to anſwer himſelf any queſtion which could be put to him. That no ſuch idea had been purſued, and that no ſuch inquiry had been adopted, was a point which did credit to the decorum, the feelings, and the dignity of Parliament; but while His Royal Highneſs's feelings had no doubt been conſidered on this occaſion, he muſt take the liberty of ſaying, however ſome might think it a ſubordinate conſideration, that there was another perſon entitled in every delicate and honourable mind to the ſame attention;—one whom he would not otherwiſe venture to deſcribe or allude to, but by ſaying it was a name which malice or ignorance alone could attempt to injure, and whoſe conduct and character claimed, and were entitled to the trueſt reſpect.

The order of the day was read for the Houſe to reſolve itſelf into a Committee upon the bill, authoriſing the farming of the tax on poſt horſes, and upon the Speaker's putting the queſtion, "that he leave the chair,"

Mr. Sheridan.

Mr. *Sheridan* obſerved, that he would not detain the Houſe, two minutes, but as he had happened to be otherwiſe engaged, and not able to attend his duty in that Houſe, when the bill was laſt debated, he thought it neceſſary to ſay, that he ſhould take the opportunity of delivering his ſentiments againſt the bill at the next proper ſtage of it: at the third reading. For the preſent, as he conſidered the bill as totally unfit to paſs, he ſhould take the ſenſe of the Houſe againſt the Speaker's leaving the chair.

The Houſe accordingly divided,

Ayes, 147. — Noes, 100.

The Houſe adjourned.

*Monday, 7th March.*

The order of the day having been read, for the Houſe to reſolve itſelf into a Committee of ways and means, the Speaker left the chair, and Mr. Gilbert took his ſeat at the table.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* having begged leave to embrace the preſent opportunity of propoſing an additional price on the licenſes of retail dealers in ſpirits, added that the Houſe would recollect that when he firſt mentioned his intention to recommend this meaſure, which was on his opening the queſtion of the French commercial treaty, he had ſtated two reaſons which induced him to adopt it, the one for the purpoſe

of

of making some compensation to counterbalance any eventual loss which the revenue might sustain for the reduction of the duties on spirits; and the other to apply some check to the retailing of spirits among the lower classes of people, which might otherwise be too much increased in consequence of that reduction, to the great prejudice of the morals and industry of the country.—He had, in the arranging this new duty, endeavoured to proportion it in that manner, which had always been followed by him whenever it was applicable to the subject, by increasing it according to the rate of the circumstances of those who were to pay it. The criterion which he had in this instance taken to ascertain that proportion, was one to which he believed no objection could be made in point of reasonable fairness and accuracy;—it was the rent of the House. He believed that was, in general, an unerring guide, by which, to compute the trade of a public house, because the rent was always sure to rise or fall with the business, which was evident from the good-will of such houses, which signified the trade, being always considered in bargaining either for the rent or purchases of them. He proposed to lay an addition of 2l. on every license where the rent of the House did not exceed 10l. per annum—An addition of 2l. 8s. where the rent exceeded 10l. and did not pass 15l. and so on increasing at the rate of 8s. for every increase of 5l. in the rent, up to 50 per annum; but after that, he should make no distinction—for, he had learned from very accurate inquiries, that in houses of a higher rent than 50l. there was rather a less consumption of spirits than in lower-rented houses.—In order that this duty might fall less heavily on those who were to pay it, he would propose, that it should be paid by instalments of six weeks, which would make eight payments in the year, by which means the retailer would have to pay it very shortly after he had himself received it from his customers; and thus the several payments from the lowest class of houses would be but 5s. each, which would prove so trifling, that it could hardly be felt. The method of collecting it, was to be by the excise officers in their rounds. The whole amount of the addition which he expected would arise to the revenue from this measure, he estimated at about 80,000l.

He then moved that an additional duty of 2l. should be paid for a licence to retail spirits in any house, the rent of which did not exceed 10l. per annum.

Mr. Alderman *Hammet* declared, that he should always object to personal taxes, as of a nature invidious and unconstitutional. He had before stated his objections to taxes which went to single out particular descriptions of men, and unless it was not possible to raise the money in any other way, he

Mr. Alder. Hammet.

he ſhould ſtill object to ſuch a tax as repugnant to the principles and ſpirit of the British Government.

The Houſe having reſolved itſelf into a Committee of the whole Houſe, Mr. Roſe in the chair,

Mr Chancellor Pitt.

Mr. Chancellor *Pitt* obſerved, that as there muſt be many importers of wine, who would neceſſarily have a conſiderable ſtock on hand, after the reduction of the duty was to take place and as it had been underſtood by them that an allowance ſhould be made, he ſhould propoſe a drawback in proportion to the difference between the old and new duty to be paid for all wine on hand above one ton—the quantity to be aſcertained between the 8th and 15th of this preſent month.

The Chancellor of the Exchequer concluded with moving:

"That there ſhall be paid to ſuch dealers as ſhall have in "their poſſeſſion any quantity of wine exceeding 252 gal- "lons, between the 9th and 15th of May, a ſum equal to "the difference of the duties which have been paid on the "importation of ſuch wines, and the duties which ſhould be "payable after the 10th of May 1787."

Mr Moxley ſtated a caſe of the difficulty of removing wines under the late act.

Mr Dempſter

Mr. *Dempſter* aſked if the drawback extended to perſons having more than a ton of wine in bottles, as well as in caſk?

Mr Chancellor Pitt

Mr. Chancellor *Pitt* anſwered, that it did; and that a ton was taken to be a criterion to decide who ought to be intitled to the drawback, becauſe it was fair to ſuppoſe, that thoſe who had leſs wine by them than a ton, were not importers, and importers were the deſcription of dealers in wine beſt entitled to relief.

Mr Roſe

Mr *Roſe* (who was chairman of the Committee) obſerved, that no motion could be made which did not come within the direct purpoſes for which the Committee ſat, nor unleſs ſuch a matter had been grounded on ſome paper referred to the Committee's conſideration.

The motion was agreed to.

Mr. Chan-

Mr Chancellor *Pitt* moved, that a ſum of about 13,000l. be granted towards the compenſation of ſuch of the ſettlers of Eaſt Florida as had ſuffered by the ceſſion of that province to the crown of Spain, and whoſe loſſes had been aſcertained and determined by the Commiſſioners appointed for that purpoſe. This ſum would be 40 per cent. on the whole ſum, which would put thoſe perſons on a footing with the American loyaliſts.

Mr Dempſter.

Mr. *Dempſter* expreſſed his diſſatisfaction at the excluſion of the ſettlers of Weſt Florida from the ſame indulgence as that which was to be extended to thoſe of Eaſt Florida, who

beſides

besides the misfortune of having observed, and indeed felt their country converted into a scene of war—had also equally suffered with the other persons, by a similar cession at the conclusion of the peace, and had greater merit from the resistance which they made when attacked, although that resistance was ineffectual in consequence of the superior force of the enemy.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* answered, that East Florida alone had been ceded to Spain at the peace. West Florida had fallen into the hands of that power, during the war, by conquest, and was only confirmed to them at the peace. He said that West Florida having been conquered, there could be no principle on which the inhabitants were entitled to compensation for their losses which would not equally apply to persons whose ships should have been captured by the enemy, or who should have suffered in any other manner in consequence of a war.

Mr. Dempster. Mr. *Dempster* replied, that he must still contend that the people of West Florida were hardly and unjustly treated.

Mr. W. Grenville moved "that the House resolve itself "into a Committee of the whole House to take the trade and "commerce of the country into consideration." The motion having been agreed to,

Mr. Grenville. Mr. *Grenville* stated to the Committee, that the opening free ports in two of our West India Islands was a measure which had been adopted so long ago as the year 1766, and continued since under various acts of parliament. In 1766 four free ports had been opened in the island of Jamaica, and two in that of Dominica. During the war, the bill authorising the two free ports in the Island of Dominica had been suffered to expire, and the bill authorising the four free ports in the island of Jamaica would expire in the course of the ensuing year. He meant, therefore, to bring in a bill to authorize the continuance of four free ports in the island of Jamaica, and the opening a free port in the island of Dominica, and in several other West India Islands. Mr. Grenville added that experience had proved the opening of free ports in Jamaica and Dominica to have been a wise measure, and a measure highly beneficial to trade and commerce, but at the same time, it was intended to put the free ports under certain necessary regulations and restrictions for the future. He made a motion for leave to bring in a bill for the purpose.

Mr. Burke. Mr. *Burke* remarked, that he well remembered the nature and turn of the debate, when the measure had been originally proposed. At that time the late Mr. Alderman Beckford violently opposed it, declaring, that the opening of free ports would ruin our West India trade completely, and be attended with infinite mischief, but the worthy Magistrate had at last

dropped his opposition, with insisting that the Island of Jamaica should have its share of the mischief which he had deprecated, and thence it was, that four free ports were opened in that island. In a short time there was scarcely an island in the West Indies which did not become a petitioner for being admitted a sharer in the said mischief, as it was obvious that a free port would prove highly advantageous to the island where such a port was situated. Mr. Burke concluded with expressing his satisfaction that the measure was to be sustained, since he was convinced that free ports were a great encouragement to trade and commerce.

The resolution was agreed to; and as soon as the House was resumed, the report was made, and a bill ordered to be prepared and brought in.

Lord Mulgrave.

Lord *Mulgrave* begged leave to call the attention of the House to a matter of very serious importance, although in compliance with the forms and rules of that House, it was necessarily brought forward in the shape of a private bill. He had in his hand a petition, to pray the House to receive another petition for leave to bring in a private bill, although the time of receiving such petitions was expired. The object of the bill in question was, to secure to the petitioners the due observance of certain acts of parliament made to regulate the coal trade many years since, but which statutes were most grossly evaded. He added, that the late period of the session, instead of being any argument against the bill's being brought in, ought to operate the other way, since the summer was the season of the year most convenient to the coal shippers, and the parties at whose instance he wished to present the petition, had expected that the laws in existence would have been sufficient to have afforded them that protection so necessary to the due and regular carrying on of their business, or they would have applied to Parliament earlier.

Sir Matthew White Ridley.

Sir *Matthew White Ridley* observed that he was empowered by his constituents to object to the bringing in a bill of that nature at the conclusion of a session, and declared that the differences which had lately prevailed were now nearly subsided; but that the bill, instead of assisting to quiet them, would have a tendency to create new animosities and new differences.

Lord Mulgrave.

Lord *Mulgrave* declared, that, when he was in the country, two gentlemen in the trade, men of large property, fairly and honourably acquired, and men of most respectable character, had been deputed to wait on him from a considerable number of persons in the trade to state the actual necessity of some parliamentary step being taken to enforce the observance of the acts formerly made, and still in force, but which were most shamefully evaded; and that at the time

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when the whole subject was candidly discussed, with temper and with moderation, and by no means with a spirit of animosity. The honourable Baronet, by giving notice that the bill would be opposed, had gone farther than he had done in opening the nature of the application which he was making; but he must give him leave to say, that it was only a part of the honourable Baronet's constituents who were adverse to it. The trade in general met it with their approbation.

The petition was, on motion, brought up and read. The other petition was then on motion received and read, and leave given to bring in the bill.

The order of the day being read for the House resolving itself into a Committee to consider of the accounts from India, and Lord Frederick Campbell having taken the chair,

Mr. *Dundas* rose, and observed, that though the business to which he meant to call the attention of the Committee appeared to be of a nature which would take up much of their time, yet he did not apprehend there was a necessity of taking up a large portion of it during the present moment. He did not mean to introduce any thing relating to what had been much discussed, and he hoped that no gentleman would bring forward that subject on the present occasion. It was his anxious desire to lay before the Committee an accurate state of the affairs of India as they now were, and he should mention them without any favourable colouring. There was a subject of much consolation, and he hoped to convince the Committee that there existed no reason for desponding, but that there were the most flattering prospects of India affairs. By accounts laid before the House, it appeared the debt in India amounted to nine crore of rupees, or 9,000,000l. It was a hard task to make it appear more; but he chose to state it stronger than any other gentleman could do, and at the same time to prove that the resources of the Company were amply sufficient for the discharge of every part of that debt. He then alluded to several observations which had been made on Earl Cornwallis' letter, and was happy that there was an instrument that both parties might argue on, without doubting its authenticity. His Lordship had sent home an account of the worst situation of the country, notwithstanding which, he meant to give it in a more unfavourable view, and still maintain his proposition. He hoped if gentlemen thought there was any thing which alluded to Mr. Hastings, that they would reserve themselves until that business was before the House. It had been stated as material for the well-being of the country, that the affairs of India should be public; and he was one who had never disputed that principle. It was a principle which he hoped ever to maintain, not conceiving it proper that a

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part of the empire should be in the receipt of a revenue of 5,000,000 l. and that assembly not know the disposition thereof, nor that an army of 70,000 or 80,000 men should be in arms, without reasons given to that House why such an establishment was maintained. The extent of patronage, which must necessarily exist, should also be stated to the House. What he meant to bring forward was the disbursement, the revenue, and the establishment. The full amount of the debt, by Earl Cornwallis's letter, was about 7,000,000 l.; but he would state it, by bringing it down to May 1, 1787, to be nine crore, 7 lack 63 rupees, or upward of 9,000,000 l. By Lord Cornwallis's letter, it appeared that his Lordship, after stating the disbursements and receipts of the year, intended to pay off one crore by May 1787, which would take off one million. Mr. Dundas then made several observations on the quick stock of the Company, which he said would discharge two millions and more, but, notwithstanding those reductions, he would take the debt at 9,000,000 l. He then proceeded into a detail of the revenues, and took the years 81-2, 8-3, 8-4, and 8-5, to form his average of calculation. He stated the revenues and expenditure of Bengal, Bombay and Madras, and remarked, that in 86-7 a clear surplus of revenue existed, to the amount of 180 lacks, and then in the most unfavourable period. The reduction which was to take place in both civil and military expenditure would greatly increase the surplus; and, if such was added to the 180 lacks, he should have no doubt, if it fell to his lot next year, again to state to the House the affairs of India, that, instead of saying a surplus of 180 lacks existed, that in Bengal alone, after paying every charge, there would be a surplus of two crores, two millions. Earl Cornwallis observed that it would be necessary to send 40 lacks to Bombay and 40 to Madrass; but it must be remembered these sums went to the discharge of debt. He stated a surplus of eight lacks to be at Madrass, which, added to the surplus of 180 lacks at Bengal would amount to 188 lacks, from which were to be substracted 30 lacks, as what he thought necessary for the establishment at Madrass, and then there would remain a neat surplus of 150 lacks, after all charges were paid. Mr. Dundas argued on the propriety of taking the debt from India by investments to England, which he thought the most political measure that could be adopted. But, before such a resolution was entered into, it would be necessary to inquire concerning the debt of the India Company in England. He then alluded to the estimate of the Court of Directors, by which it appeared that in 1790 there would be a deficiency of 500,000 l. which deficiency, he said, was for an obvious purpose made;

but

but if they had added the sale of annuities, which they were by Parliament empowered to do, and which would have amounted to 800,000 l. there would have been 500,000 l. to answer the deficiency, and they would have been qualified to pay 300,000 l. claimed by Government for army arrears. In the year 1790, the debt would amount to 6,00 ,000 l. He then panegyrized the Company for their late great attention to their commerce, which increased day after day, and went into the particulars of the India and China trade: to the latter place he remarked that great investments were necessary. He formed an average of investments from the year 17 6 to the year 1779, the highest of which did not amount to more than 1,500,000 l The surplus of the revenues was sufficient for the investments, when taken at the greatest disadvantage, being 160 lacks, or 1,600,000 l. The revenues were sufficient to answer investments, without a single further resource after every charge was defrayed. The Company had always allowed 300,000 l. worth of merchandise to be exported to aid the investments, and consequently no occasion would arise for more than 120 lacks for investment, and he believed 97 would be sufficient, as from good authority he understood that as much investment could be gained for that sum as was before gained for the sum of 150 lacks, the revenue, he doubted not, might be greatly increased; but when he said it might be increased, he did not wish it to go out to the world that he meant by an addition on the landed revenue. There was much land uncultivated in our provinces and if a general system of security were adopted, it might allure many to take asylum under the British government. The provinces belonging to the British empire were now the most flourishing of any in all India, and to the good government of India must this country look for revenue. If once it was known to India that a security of landed property was made in our possessions, all the oppressed in the country of the Mahrattas and Tippo Saib would much increase the population of our provinces. Though he looked to no increase on land revenue, rather wishing that all might be allowed quit rents, yet, from land, by regulations, and giving security to landed property, it was impossible to fail in gaining an increase of the revenue. The next question was the investment to China, and that he contended might advantageously be made from India. He then quoted the authority of Mr. Scott, a most eminent East India merchant, who had offered to answer for the investment to India, and had proposed the first year to increase it 400,000 l. the second to 500,000 l. and the third 700,000 l. in merchandise, and from India to carry on a trade to China, and to pay out of the profits 500,000 l. into the Company's treasury at

China.

China. The measure was not adopted by the East-India Company, because they were confident they could execute it themselves; and it gave him great pleasure that they were persuaded they could execute it. No man, he said, could persuade him but there was a large market opening in India for our exports, and the profits of those exports might go to advance the sale of our manufactures, and graft thereon another profit to China. The debts of the India Company in this country would not be paid before 1790; it was then to be discovered whether it would be most adviseable to bring the debt from India, or pay it there by the surplus; he was decidedly of opinion that the debt should be brought home. It would most probably have been invested here by this time, had they not endeavoured to make too hard a bargain, by offering no more than 1 s. 8 d. for each rupee. Above one million was already accepted at those low terms, and he doubted not but for a trifle more, and to remain under 2 s. the whole debt would be accepted, as by sending home their investments to their own country, they ran no risk, nor the danger of a foreign country. The surplus in India might go to investments from that payment, and the debt be brought home by way of investment. By the statement of the finances of India, he could hold out to the world that we were disincumbered; that on one hand we had determined to support our allies, and preserve peace by not attempting hostilities; and on the other, to defend ourselves, if any design of attacking our possessions, or hostilely behaving to us, should arise, we presented ourselves in India as able to repel any attack; we were ready with a well-disciplined army of 70 or 80,000 men, with a revenue of two millions for peace or for war, if necessary. If the debt was brought home at 5 *per cent.* it would all be discharged in the year 1797, and there would be a surplus of 42,400 l. A right honourable gentleman (Mr. Burke) had said on a former occasion, that ten years peace in India was too long a period to reckon on. He wished not to shrink from that assertion; he was not ready to admit that we were most likely to be attacked in that quarter; there was nothing to tempt an enemy to an attack; there was no prospect of success for any power in India; there existed a surplus of two millions for investments, which he should think prudent if a war commenced to stop, that the sum might go to the prosecution of the war with the greater vigour. Upon what ground then could any power attack our Indian possessions? They would have to engage 70 or 80,000 men, with 2,000,000 l. to support the war, and, in case of need, another 2,000,000 l. to add to it. The total excess of expence in the last war amounted to no more in one year, upon an average, than

two crores three lacks, and there was no reason to expect that any future war could be more expensive; for then we had all India, America, and Europe to fight against, and the surplus of the revenue would be sufficient for any future war. He was as anxious as any man not to provoke hostilities from any country; but, if we were provoked, he felt a pride for his country to say, that we were fully able to repel any attack, let it come from what quarter it might. If a war should happen, and there was to be no surplus from India, the China trade would prove sufficient for every investment, to pay a dividend of eight *per cent.* to the Proprietors of East-India stock, and the interest of the whole of the debt. The affairs of the India Company were such as not to cause fears in the minds of the most timorous. If the possessions in India were properly considered as they ought to be, as the brightest jewel in the British diadem, regulations should be adopted for the good government of the country. The present measure would be a check upon all future governments in that country, and by reports being made every year, that House would know every increase of establishment, and be able immediately to bring such Governor to an account for such establishment. The patronage of the East ought to be strictly watched over with a jealous eye, and unless that House so watched it, they would not do justice to their constituents. Mr. Dundas then concluded by moving several resolutions, all stating the particulars of the finances of the Company. On the question being put on the first resolution, "That it appears to the Committee that the debt "of the Company amounts to nine crores 17 lacks and 6470 "rupees,"

Mr. Francis.

Mr. *Francis* having taken notice of the manner in which Mr. Dundas had deprecated all personal allusion, declared his intention to follow the learned and right honourable gentleman's advice. That day had been promised, he observed, to be a *proud* day; but the right honourable and learned gentleman had changed his tone, and, instead of pride and triumph, he had talked of consolation and promise. One of the consolations that he had found in the affairs of the India Company was, that they were nine millions in debt in Bengal, which was stating the Bengal debt much higher than *he* (Mr. Francis) had ever heard it stated. Another consolation was, that thirty lacks of rupees were to be sent from Bengal to Bombay, though seventeen lacks were all that had been used to be sent there, and the Mahratta war was begun expressly on the plea that obtaining some territory on the Malabar coast would yield a revenue, and that this would render all farther supply to Bombay from Bengal superfluous and unnecessary. Mr. Francis contended, that

there was no surplus of the revenues of Bengal, but on the contrary a considerable excess of expenditure: this he maintained appeared evidently on the face of the accounts upon the table. But if there *had* been a surplus, to adopt the proposition of taking a million of money out of Bengal annually would be unwise in the highest degree, considering the very small quantity of actual specie in circulation. Better would it be to seize Bengal and dash it at once into the ocean, than attempt so absurd and preposterous a thing as to take so much specie out of a country so much impoverished. He complained that Mr. Dundas had chosen to skip over the years 1784-5 and 1785-6, and had gone back to the three preceding years of 1781-2, 1782-3, and 1783-4 for an average to rate the amount of the revenues by, for the year 1785-6, and declared, that though the regular and complete accounts of the two last years had not come over, yet the amount of the revenue collected was to be come at. Made up as it was for fifteen months, the whole amount, he insisted upon it, was no more than 243 lacks, and yet the right honourable and learned gentleman had talked confidently of four millions: the fact was, the revenues had decreased considerably for the last five years. He asked why the regular accounts for the last two years had not come over, and said, it proved what ill discipline the Board of Control exercised, not to oblige the Company's servants in India to furnish the proper accounts in due time, declaring that both the years' accounts ought to have been before the House. [As Mr Francis mentioned these particulars with great emphasis, Lord Mulgrave, Mr. W. Grenville, and Mr. Dundas laughed,] and Mr. Francis said, that instead of offering an argument in reply, the right honourable gentlemen only treated him with laughter and scorn; a sort of treatment which he had not merited, as he had always listened to other gentlemen with patience, attention, and respect. He resumed his argument, and contended, that the sum of charges on account of collecting the revenues was not correct, that only thirty-nine lacks were taken into the account instead of eighty-three lacks. He admitted, that bringing the Bengal debt to England would lighten the hands of the government of Bengal, but denied that the reason for the creditors refusing to subscribe to take the debts through the medium of investments, was owing to the exchange of the rupee being rated so low as at twenty pence each: the fact was, the not having any thing like a security, that when the debts were subscribed, they would be paid at all in England, was the reason, and not the low exchange of the rupee. Nearly a million was subscribed at 1s. 8d. the rupee, and he was well informed the whole

would

would have been subscribed in like manner, had the creditors received any sort of security that they should afterwards get their money in England.

After a variety of observations on different parts of Mr. Dundas's argument, Mr. Francis took notice of what he had said of fixing the tenure of the landholders in India at a certain quit-rent, and declared, he highly approved of that idea: he always had done so, and as far as it was in his power had uniformly laboured to enforce that principle. With regard to the accounts upon the table they were by no means satisfactory: the whole of Earl Cornwallis's letter ought to have been laid before the House, and various other papers; some especially relative to the paper of the Company in circulation in Bengal. Mr. Francis reminded the House, that he asked for accounts to prove in what respect the credit of the Company, generally considered, stood in Bengal, and he had been given to understand that it should be stated, but the right honourable and learned gentleman had taken little or no notice of it. He produced a letter from Mr. Larkins, the Company's accountant general in Bengal, who had undertaken a scheme, some years since, to liquidate it, and had declared in high language, that the whole should be paid off by 1786. At the time that Mr. Larkins formed this scheme, the amount of the paper in circulation was little more than 100 lacks, and it was, according to the latest accounts, 191 lacks, and the discounts as high as twenty-two per cent. After expatiating upon this, Mr. Francis concluded with declaring, that if Bengal was well governed, he was indifferent as to who it was that governed it: for his part, Bengal had proved a source of vexation and anxiety to him ever since he had known any thing of it. In respect to his property only had he any reason to rejoice that he never knew it; and he did assure the right honourable and learned gentleman, that if it were well governed, he would never trouble himself again with the accounts of Bengal.

Mr. *Grenville* declared, that if the honourable gentleman never meddled with Bengal accounts to a better purpose than he had done that evening, it would add considerably to his credit that he never meddled with them at all; for a more direct misrepresentation of facts had scarcely ever been attempted. The honourable gentleman began his speech with *candidly* taking notice of the advice given by his right honourable friend, not to mix any allusions of a private or a personal nature with what was said that day, and he had promised to follow it; yet in his very first observation he had avoided to name any person, but had mentioned a measure, annexing to it all the blame which belonged to it, in (Mr. Grenville.)

a manner so pointed, that it could not be mistaken to whom the honourable gentleman meant to ascribe so strong a censure: the honourable gentleman, he verily believed, found it absolutely impossible to refrain from alluding invidiously to a certain person, or possibly he would not have proceeded to such a length. The honourable gentleman had next pronounced a deficiency to a large amount, and denied that there was any surplus, and he declared that he had spoken it before: it was true the honourable gentleman had done so more than once or twice or thrice; but it was equally true his declaration had been as often answered, and as often refuted. The honourable gentleman had said that his learned and right honourable friend had gone back to the three years preceding the two last, because in the three years from which he had taken his average, the collection of the revenues had been larger than in the two last; the assertion was not true; the collection was not larger, neither had his right honourable and learned friend resorted to the three former years: the reason was, because no accounts of the two latter years had yet arrived from India, but not, as the honourable gentleman might be well assured, for want of proper means being taken to oblige the servants in India to make up their accounts and transmit them home regularly. Every possible exertion had been resorted to in order to enforce *that*; but there was one point which the honourable gentleman had declared he expected, which he must of necessity admit, neither the Board of Control nor the Board of Directors had it in their power to accomplish by any orders they could send out, or by any means they could use; and this was, the causing the accounts of the year 1786-7, ending the 31st of April 1787, to be completely made up in India and transmitted to England, so as to be upon the table in the House of Commons by the 5th of May in the same year.

Another observation of the honourable gentleman's was, that the reason which prevented the Company's creditors in India to subscribe their claims was not owing to the rupees having been rated at the exchange of 1s. 8d. but for want of any security that they would ever be paid in England. In answer to this Mr. Grenville declared an express condition of payment, in a limited time, had accompanied the offer of letting the creditors send home their claims upon the Company, through the medium of investments. Mr. Grenville replied to the other arguments of Mr. Francis in the order that the latter gentleman had stated them; and concluded with congratulating the Committee on the pleasing prospect which the statement of his learned and honourable friend held out to the country; declaring that he

relied

relied with confidence on the expectations which his right honourable and learned friend had stated in a manner so much to his own credit, and, as he trusted it would prove, to the satisfaction of the Public.

Mr. *Francis* rose to explain, and began by observing, that the right honourable gentleman who spoke last, always made it a point to express what he said in reply to him, in terms the most personally uncivil to him, although he never provoked such treatment on his part; but *that* was no matter. As to the right honourable gentleman taking upon him to declare, that any part of his argument was *not true*, he knew no reason why so indecent and so unworthy an answer should be given to any gentleman within the walls. Did the right honourable gentleman think so ill [illegible] of him as to imagine he would be base enough purposely and intentionally to state a falsehood, or that he would be weak and absurd enough to do so, had he the baseness to be capable of [illegible] it, when he must expose himself to [illegible] contradiction? He had spoken as he believed, and [illegible] his opinion. Mr. Francis

Mr. *Dundas* declared, that when any gentleman took [illegible] upon himself to charge him with having wilfully skipped and passed over the two last years, and resorted to the former three, with a view to make a fallacious [illegible] to that House, he should always take the liberty of asserting that such a charge was not true. The honourable gentleman [illegible] had talked of there being accounts [illegible] not received, though the regular accounts [illegible] ved; was he to be hunting after scraps of intelligence here and there, and on such grounds as *those* to come and gravely state the situation of the East India Company's [illegible] Parliament? Sure he was, it would have been highly improper in him to to have done. Mr. Dundas called Mr. Francis's altercation about the charges of the collection of the land revenues a *miserable cavil*, and made use of some other warm remonstrances with Mr. Francis upon the [illegible] in which he had replied to his former argument. Mr. Dundas

Sir *James Johnstone* observed, that there were, he said, quacks in politics as well as physic: on the present [illegible] they heard the right honourable and learned gentleman Doctor *Tant mieux* and the honourable gentleman Doctor *Tant pis*; he should pin his faith on Doctor *Tant mieux*, as he had stated that the debts of the Company, though amounting to nearly nine millions in the whole, would be paid off in one year less than he had promised. He wished the Doctor would see if he could not cure them a year still sooner, in 1795 instead of 1796; but for his part, he had not expected that they would be paid off in 20 years. Sir J. Johnstone

Mr.

Mr. Burke. Mr. *Burke* professed, that he rose with all civility and respect to the right honourable and learned gentleman who had opened the debate, and desired to join issue with him in declaring, that he verily believed he had no manner of reason to dread any enemy in India, unless that enemy were joined and supported by an European ally; but as such an event might possibly happen in the course of things, it was a matter to be looked to and provided against, as well as the nature of the case would permit. The contest of that day had been a contest between the right honourable and learned gentleman and Earl Cornwallis; the only way therefore to enable the Committee to decide who was right, would have been for the right honourable and learned gentleman not to have kept back any part of the evidence, but to have acted in a more noble, open, and manly way, and to have let them have the whole of Earl Cornwallis's letter before them: by the *whole* he did not mean the arguments of his Lordship about Indian politics; to those they had no pretensions; the subject was not before them, and, exclusive of the impropriety of making it public, they had nothing to do with it. For his part, the right honourable and learned gentleman would excuse him, if he declared that, considering that Earl Cornwallis was at the fountain head of intelligence, upon the spot where the transactions he alluded to were going on, he was inclined to prefer the moderate, cool, and confined ideas of Earl Cornwallis, respecting the future state of the Company's affairs in Bengal, to the more sanguine speculations of the right honourable gentleman, though cloathed with high authority, and possessed undoubtedly of the means of obtaining much authentic information on the subject. Mr. Burke mentioned the magnitude of the proposition of taking nine millions of debt out of Bengal, and adding it to our debt at home; and after dwelling upon the difficulty and the time that the liquidating so large a debt would cost, proceeded to take notice of the idea of drawing near a million out of the revenues of Bengal to Madras and Bombay, and after that expecting that the revenues of Bengal could bear to be appropriated to the purchase of investments. He treated these speculations as extravagant and impracticable: he said, that he did not know whether he ought to consider such symptoms as the faculty did the *facies Hippocratica*, as the symptoms of approaching death, or of the possibility of cure; but to draw such sums out of Bengal, without making any return of specie or wealth, appeared to him as unreasonable as to expect a human being to exist under a state of perpetual bleeding and purging, without administering the smallest portion of food to support such an exhausting practice. What was to fructify

ify our provinces and to renovate their riches after we had drained them in such a violent way? Instead of rice we should see nothing but fields of jungles or weeds, and instead of the race of men, the race of the royal tiger would increase and multiply: he explained the expression of the royal tiger to be symbolical of the British Government, declaring, that as extraordinary power had longer claws than ordinary authority, so might it well be termed the royal tiger. Among other bad symptoms he spoke of the increased circulation of paper of Bengal at large discount, and said, that if the fact were true that the Company paid their officers with paper, which they refused to receive back in payment themselves, the symptom wore an alarming aspect and gave the case the appearance of being desperate. He mentioned Mr. Larkin's plan of reducing the quantity of paper in circulation, and stated the circumstances of a large increase of paper in circulation, growing out of a plan of reduction, and attended with a larger discount than ever, to be another, and a worse symptom than any. He commended the idea of a fixed quit-rent as the only way of giving happiness and security to the landholders; and in answer to Mr. Dundas's declaration, that the provinces in India were the most flourishing, said, that it would be wonderful if they were not, when we had possessed ourselves of the finest provinces in India, lying between two rivers which would fertilize any country in the world, and containing the whole of that delightful coast, a small portion on the back parts excepted, from Bengal down to Cape Comorin. But it was not rightly stated by the right honourable and learned gentleman, when he said that our provinces were the most flourishing; there were some few others, he believed, more flourishing, and others again far worse. The Rajah of Berar, for instance, governed in a province not to be talked of in comparison with Bengal, (formerly called the Paradise of India) with Bahar, Orissa, and Oude, and Benares: the face of the kingdom of Berar was covered with immense mountains and forests. But let it not be (added Mr. Burke) the right honourable and learned gentleman's boast, that the British provinces were finer and more fertile than the kingdom of Berar; let it be his triumph to say, that under the British government the natives lived as happy, the soil was as productive, and the revenues were as ample, as under the native princes whom we had succeeded.

Mr. *Baring* contended, that the Directors were totally clear from having deserved the animadversion (made by Mr. Dundas) relative to their omission of the 800,000l. which they have been enabled to raise by the increase of their capital;

pital; and also asserted, that Earl Cornwallis's letter justified the Directors' estimate of 1784, about which so much had been said at the time, since his Lordship declared the revenues to amount within seven lacks of the sum at which they had then estimated them.

Major Scott

Major *Scott* said, that in the few observations which he should take the liberty of submitting to the Committee, he would confine himself entirely to the subject that had been opened by the right honourable gentleman (Mr. Dundas) to whom he thought great credit was due for the fair and candid manner in which he had stated to the House the affairs of the East-India Company. The Major said, he had the fullest confidence in the upright and honourable intentions of the King's Ministers with regard to India; in fact by passing a self-denying ordinance, they had precluded themselves from the possibility of abusing the power which the Legislature had placed in their hands, since no appointments were to be made until they became absolutely necessary; of course the affairs of the Company would be daily recovering from the embarrassments in which a long, though a successful, war had involved them He then said he would beg leave to offer a few words upon what had fallen from a right honourable gentleman (Mr. Burke) over the way. As to what had been observed of the mischievous consequences of depriving Bengal of its circulating specie in the present moment, the Major said he saw them in as strong a light as that gentleman could do. The exertions made by Bengal in the preservation of India during the late war, had reduced her to distress in point of circulating specie; but as to agriculture, population, and commerce, there never was a period in which the country was more flourishing. The right honourable gentleman (Mr. Burke) had talked of his ninth report, and of a doctrine laid down in it, which he had repeated; but it was as incomprehensible now as it always had been. The right honourable gentleman had asked, if ever any man had heard of any thing so preposterous? The Major said, he desired to know how it was to be carried on while there should be an available surplus from the revenues; for it was material to observe, that in Bengal the Company were lords of the soil, and raised revenues from all lands except charity lands; of course the money so raised was employed in the pay of establishments and the purchase of investments, and by these channels returned again into the general circulation.—The Major said, if gentlemen had been at the trouble of looking at some very curious accounts which he had moved for, they would have observed that the Company had received from Oude and Benares, in the last thirteen years, above fourteen millions,

lions sterling, of which sum above ten millions had been remitted to Calcutta and Surat; but as all our demands had been paid, these sources of relief to Bengal were at an end, and he was sure the right honourable gentleman (Mr. Dundas) would see the impropriety of sending more money from Bengal till it had had time to recover itself. The Major said he was happy to hear it allowed, that Bengal was the most flourishing country in Hindostan: it was a fact he had always asserted; he had travelled over various parts of it at different times, from 1767 to 1781, and he had found it in a progressive state of improvement. The right honourable gentleman (Mr. Burke) was a philosopher and an historian, and it always, the Major said, had appeared to him very extraordinary, that he should pass by the real and the true cause of the only decline there was in Bengal, and impute it to the mismanagement of the English. The fact was, and it could not be denied, that our government in Bengal was an usurpation upon an usurpation; the natives of Bengal, the aborigines, were Hindoos, and as nine to one in number, with their rulers, the Mahometans. We usurped the dominion from the latter, and of course the right honourable gentleman's favourites, the nobility and country gentlemen, disappeared. It was the custom of the Nobobs to grant jaghires or estates from five hundred to fifty thousand pounds a year; but as the possessors died away, we did not renew them, and of course that order of men had in a great measure disappeared; but the natives, the mass of the people, were infinitely happier under our government than they had been for the last fifty years of the native government, and beyond all comparison happier than any of the other natives of Hindostan. With regard to the accounts, the Major said, he was convinced they would be more productive than Lord Cornwallis had stated them. In fact, Mr. Larkins had invariably estimated the salt and opium at less, by fifteen lacks, than they turned out; and as for the land revenue, it was a very singular circumstance, that for three years, in a collection of three millions, it had never varied more than forty thousand pounds. An honourable gentleman (Mr. Francis) had said, that the revenues had been annually declining for the last five years; the Major said the fact was directly the reverse; for they had been increasing each year, and there was now a letter upon the table from the Governor General and Council stating, that upon the whole revenue of 1785 and 1786 there was only a balance of six lacks, of which four were recoverable: he mentioned this the more, because it had been said that Mr. Hastings had violently kept up the collections during the war, and they would afterwards fall off; but authentic do-

cuments proved this to have been a groundless assertion. The Major said he would make but one observation more before he sat down, and that was a material one: the right honourable gentleman (Mr. Dundas) had given a very accurate statement of each year's expence of the late war in India, which was the most general and expensive that we had ever been engaged in, having had European and Indian enemies to encounter. The right honourable gentleman seemed himself struck with the smallness of the additional expence compared with the importance of the service, the preserving what had emphatically been termed the brightest jewel of the British Crown: the Major declared, he most heartily concurred with him, and with great solemnity, he said, he would put it to gentlemen versed in the business of the House. Let them take each year of the expences of the successful war in all India, where so much was done, and compare them with only the army extraordinaries of each year of the late war in America, where worse than nothing was done, and then they would say that the right honourable gentleman was most fully justified in stating how comparatively trifling the expences of an Indian war had been.

The resolutions were afterwards severally put, and agreed to.

The House adjourned.

*Tuesday, 8th May.*

The order of the day being read for the second reading of the Portsea small debts bill, and the question being put, that the bill be now read a second time,

Sir John Miller.

Sir *John Miller* observed, that he rose to oppose the second reading of the bill, from a firm persuasion that it would prove detrimental to the public service of this country: he said, that more than three thousand artificers and labourers belonging to the dock-yard at Portsmouth, besides the officers of all our ships in ordinary at that port, looked up to the House for the rejection of this bill. Sir John declared, that he was an enemy to all courts of conscience, (as they were very improperly, in his mind, called) and to all partial and local small debt bills, as grievously oppressive, and he was happy to find the House entertained the same opinion of them by their late rejection of two or three such bills which had been in the present session offered to Parliament— a treatment which he hoped the present bill would meet with. He stated, that the carpenters, smiths, and other artificers and labourers of our dock-yards were paid in a different manner from all other artificers and labourers: our dock-yard people were always one quarter in arrears, being

paid

paid a quarter's wages only, when half a year was due to them, whilst other artificers and labourers received their wages for the most part weekly, which obliged our dock-yard people to take up money for their subsistence from brokers and money dealers, at the exorbitant price of sixpence per pound per quarter, which was ten per cent. per annum, and many of these money-dealers were keepers of shops or of public houses, who, not content with the above unconscionable profits, obliged the poor people to lay out their money with them, or with whomsoever they should name to them, for cloaths, necessaries, &c. and required them very frequently to take those things which they did not want, in order to their purchasing such matters back again from them at a reduced price, when a little ready money might be necessary, perhaps for the purpose of assisting or supporting a sick family! this might truly be called, "grinding the faces "of the poor." He had also been assured, that the people of the yard were universally allowed to pay their debts with as much punctuality as any other persons whatsoever: he said, that there were no set of people less attentive to their expenditure, nor more liable to imposition, than those who had any kind of connection with our navy; in addition to which, their present mode of payment (which he had already stated) exposed them to situations of much temptation, imposition, and difficulty. The rejection of the present bill, he verily believed, would prove no injury to any set of men, and would shew a proper attention to a description of persons to whose comforts this country should not be indifferent. Sir John added, that the above circumstances had been imparted to him by persons of the first honour, truth, and reliance, intimately acquainted with their existence and substantiality; for he did not himself pretend to any knowledge of them; and he held in his hand a letter from one of the worthiest characters existing, who had long been in a fixed office of great trust and responsibility at Portsmouth, fully confirming every assertion which he had just made to the House.

Sir John moved, "that the bill be read a second time this "day two months."

Upon putting the question, "that the word *now* stand "part of the question"—the House divided,

Ayes, 9. Noes, 34. Majority, 25.

The House adjourned.

*Wednesday,*

*Wednesday 9th May.*

When the motion was made,

"For leave to bring in a bill for amending an act of the 3d "of the late King, and 6th of His present Majesty," entitled, "An act to regulate the loading of ships with coals in the "ports of Newcastle and Sunderland,"

A conversation arose between Mr. Ord, Mr. Brandling, and Sir Matthew White Ridley, against the bill, and Mr. Duncombe and Lord Mulgrave, for it.

Lord Mulgrave.

Lord *Mulgrave* stated, that the bill was of exceedingly great consequence to the public, as it involved in it a consideration of no less importance than the well doing of an infinite number of ship owners, who kept a considerable quantity of tonnage afloat, which employed sixteen thousand seamen, and gave every war a supply of between two and twenty thousand and three and twenty thousand hands to the profession. The prosperity and continuance of so valuable a nursery for seamen, was undoubtedly of great national importance, and in order to secure it against the notorious evasions of the laws in existence, the present application had been made to Parliament. The House had from time to time passed acts to guard and protect the trade, but as fast almost as new laws were made, new modes of evading them were discovered and practised; and thence the necessity for fresh application. The present application was made at the unanimous desire of every coal-ship owner in the kingdom, about twenty-five at Newcastle upon Tyne excepted, who were interested in opposing it. The honourable gentlemen who represented that town, certainly acted in a true parliamentary way, and with great honour to themselves in opposing it. That attention to local interests, where the interest in question was that of gentlemen's constituents, was fit to be shewn, and even in opposition to the interest of the Public; but in so doing, gentlemen amply repaid their constituents for having elected them, and every other obligation they owed them. His Lordship adverted to what had passed in the Committee to whom the petition had been referred, and who had directed the present motion to be made, and said, it there came out that at Newcastle a monopoly existed, and a ship owner might either have the coals he wanted, or a lawsuit. That this was the ground of complaint, and that as the law stood the fitters were obliged to serve from seven in the morning till eight in the evening, in the due order as applications were made; but then as it did not expressly prevent them from serving at any hour between eight at night and seven in the morning, they could give their favourites a preference, and let them have their

coals

coals before other perſons. To remedy this, the preſent application was made, and thoſe who made it were willing to bear its expence themſelves.

The motion was carried.

Mr. *Adam* ſaid, that he ſaw no ground of argument or reaſon for not extending the ſame relief to the inhabitants of Weſt Florida, which had been propoſed to be given to thoſe of Eaſt Florida, and therefore he deſired to know if the Chancellor of the Exchequer would oppoſe a motion in their favour. Mr. Adam.

Mr. Chancellor *Pitt* declared, that he ſaw a material difference between the caſes of the two Floridas, and ſhould moſt certainly, object to any ſuch motion as the honourable gentleman had hinted at; but as the day was ſet apart for a buſineſs of great expectation and importance, he hoped the honourable gentleman would not bring on a diſcuſſion upon any extraneous ſubject. Mr. Chancellor Pitt.

Mr. *Adam* anſwered, that he would make his motion on a future day.

Mr. *Gilbert* having given notice that he intended moving for leave to bring in his bill reſpecting the poor, informed the Houſe, that as it was a bill of the greateſt importance, he was anxious that it ſhould receive all that weight and authority which could be derived from the returns made by the overſeers in purſuance of the act of laſt ſeſſion, and which were then extracting under the inſpection of a Committee appointed by the Houſe. He ſaid that the bill would appear to a great diſadvantage if brought in before a report ſhould be made from that Committee, as it was to be principally founded upon facts to be ſtated in ſuch report. He therefore wiſhed to delay the bringing in the bill till the report could be made, which he hoped would be before the end of this ſeſſion, and then the bill and report might be printed and taken together by the members into the country, where they would have an opportunity of conſidering them fully before the next ſeſſion. Mr. Gilbert.

Sir *Gregory Page Turner* declared, that Mr. Gilbert ought to have his name written in letters of gold for the uncommon pains he had taken to aſſiſt the poor, and put their relief and proviſion on a proper eſtabliſhment. Sir Gregory ſaid that he was impatient for a ſight of the bill, which he had no doubt would produce a ſalutary effect, and prove an important public benefit. Sir G. P. Turner.

The order of the day for the farther conſideration of the report of the Secret Committee appointed to draw up articles of impeachment againſt Warren Haſtings, Eſq. being moved, and read, it was moved, "That this report be read a ſecond "time."

Lord

Lord Hood. Lord *Hood* rose and opposed the motion, in the following words;

Having upon a former day, Sir, so fully expressed my humble sentiments respecting the late Governor General of India, I shall not trespass upon the time and patience of the House for more than three minutes; but I cannot, Sir, content myself with giving a silent vote upon the present very important question. I am very sensible, Sir, and perfectly ready to acknowledge, that the charges taken in the abstract, as exhibited against Mr. Hastings, appear exceeding heavy and severe; but when I take into my view, Sir, the motive that led to this conduct upon which those charges are founded, they make no impression of criminality upon my mind; and I must exceedingly lament, and am equally concerned at, what has been frequently suggested in this House, that an officer in high trust and command upon foreign service in time of war, must not take measures that may prove an evil to private individuals, although the greatest public good will evidently arise from them to the state. If, Sir, the representation of this nation in Parliament adopt that doctrine, I do not hesitate, Sir, to say, that this country has seen its fairest and best days; for a zealous and spirited officer, Sir, must find himself infinitely distressed, and his ardour greatly abated, to know, he must content himself with the means established for him, and which his employers have lodged in his hands, however inadequate to the services entrusted to him, rather than have recourse to others he thinks within his reach, and which clearly promise the most beneficial public advantage, unless he does it, Sir, at the hazard of being arraigned at the bar of this House as a delinquent, even, Sir, if the most brilliant success attends his exertions and permit me to say, Sir, at the risque of all that is dear to him nay, Sir, at the risque of his head, should those exertions fail. Thus circumstanced, Sir, I beg to submit to the good sense and cool consideration of the House, how truly miserable and unfortunate any officer in command abroad almost must feel, and such, Sir, his situation and feelings must unavoidably be in future from what has been the lot of Mr. Hastings. Most undoubtedly, it is very much the duty of every man who has the honour of a seat in this House to exercise that portion of reason and common sense with which it has pleased God to bless him, as the surest and best guide for his opinion. That mine, Sir, upon the subject now under discussion, differs in some parts from my much-respected and right honourable friend below me, gives me infinite concern, as it is the only instance one other excepted, wherein my vote has not from conviction, and conscientiously gone with his, but considering most maturely, Sir, as I have done, the arduous, critical, and perilous situation in which Mr. Hastings was placed, as well as the very

signal

signal and meritorious services he has happily rendered his country, notwithstanding the various difficulties with which he was on all sides constantly surrounded, and convinced, as I am, that our present possessions in India, are solely owing to his zeal and uncommon abilities, I cannot, Sir, bring myself to pronounce him criminal, but I hope and trust, Sir, I shall not be understood to contend, that Mr Hastings has not committed errors I admit that he has, and will be bold to say, there never was a man in an important command abroad for a series of years in time of war totally exempt from them, but upon striking a fair balance, Sir, between the eminent and admitted services of Mr Hastings and his errors, I can never give my consent that any charge of criminality shall go against him from this House consequently I feel myself bound to object to the second reading of the report.

Mr. Alderman *Wilkes* expressed his satisfaction at having heard the noble Lord utter his sentiments in terms so honourable and candid, and declared that he meant to second the motion, and oppose the second reading of the report, as it contained articles of charge which stood upon a false and rotten foundation He had listened with attention to the whole of the proceedings upon the subject of the impeachment of Mr. Hastings, but though he had been dazzled with the beauty and splendour of eloquence, and charmed with the wit of his accusers, he had not been convinced by their reasoning, nor satisfied by their arguments, that Mr Hastings was guilty of the various crimes imputed to him. The report then under consideration contained these words Mr Ald. Wilkes.

" The said Warren Hastings, not regarding the sacred ob-
" ligation of his oath, nor the important duties of the high
" offices to which he was appointed, but entertaining base and
" corrupt views of procuring for himself and his dependants
" exorbitant wealth, and arbitrary designs of raising himself,
" by means of the undue influence so acquired, to excessive
" power, as well to gratify his inordinate ambition, as to se-
" cure himself from punishment for the many unjustifiable
" acts by him done and committed in the exercise of his of-
" fice, did, whilst he was President and Governor General as
" aforesaid, by the various, unwarrantable, and criminal prac-
" tices herein after set forth, faithlessly, illegally, and ty-
" rannically violate the duties of his station. By each and all
" of which practices the welfare of the East-India Company
" has materially suffered, the happiness of the native inha-
" tants of India been deeply affected, their confidence in Eng-
" lish faith and lenity shaken and impaired, and the honour of
" the Crown, and character of this nation, as far as in him
" lay, wantonly and wickedly degraded".

The House had papers (the Alderman said) upon their table, containing proof to the contrary of every one of those asser-

tions;

tions; but he need only refer to one of them, the letter of the late Governor General of India, Sir John Macpherson, who, in a letter dated so lately as the 10th of August 1786, speaks in the highest terms of the plans of Mr. Hastings, and of the happiness of the native inhabitants of India, living under the British government. With regard to the welfare and prosperity of the state of the affairs of the Company, he referred to Mr. Dundas's speech of the preceding Monday, in which he had said, it was a proud day for the country. If the assertion were true, it surely was equally true that it was a proud day for Mr. Hastings, since that gentleman had an undeniable claim to the praise of having laid the foundation for the present prosperous state of India, and of the affairs of the Company. In the course of the proceeding he had (he observed) more than once heard Mr. Hastings compared to *Verres*, but the House would recollect, that when the governor was called to an account before the Roman Senate, there was scarcely an inhabitant of the island of Sicily, who did not exhibit a complaint against him; whereas in the present case, though the prosecution, or persecution, of Mr. Hastings, had been in progress above three years, not a single complaint had come from India against that gentleman; but, on the contrary, every letter that had been sent home was full of expressions of gratitude and applause, on the conduct of Mr. Hastings, while he held the government of India. Mr. Wilkes declared, that upon a review of the whole of that conduct, he found himself warranted to pronounce Mr. Hastings a profound politician, who had acted, in times of singular peril and difficulty, with equal vigour and wisdom, with great intrepidity and uncommon judgment. He took notice of the charge relative to the affair of the Begums, and said, that it appeared to him to be a just proceeding, as the Begums were undoubtedly in rebellion against the Governor General of Bengal, to whom they owed obedience. The fact that they had saved the lives of one or two British officers, plainly proved, that they had usurped the government of the country, otherwise they could not have afforded that protection which had been made use of as an argument in their favour. The noble Lord had said, he admitted that Mr. Hastings had been guilty of errors, and who was there who had ever been placed in such a critical situation as Mr. Hastings, who could pretend to be free from errors, but saying that Mr. Hastings had been guilty of errors reminded him of what Voltaire observed of the conduct of the French parliament on the landing of Henry the Fifth, previous to the battle of Agincourt. The *sapient* magistrates of the French parliament would not suffer a single step to be taken till an arret came out, stating in due form a notification of the landing of the English Monarch and his army.

The consequence was, the kingdom of France was sacrificed to form. Mr. Hastings judged more wisely, acted upon the necessity of every great occasion, without regarding little forms; and when the whole of the conduct of Mr. Hastings was considered, and when it was considered likewise that he had carried the British arms successfully against the French and Dutch in India, and that it was owing to his singular ability and exertion, that they had preserved their possessions in that quarter of the world unimpaired, while the empire was mouldering away elsewhere, he was astonished that a sanction of that House should be able to have carried the prosecution as far as they had done; but he hoped, for the honour of the House, that it would be put an end to that night, by a very considerable majority. He had heard a right honourable gentleman declare, that he had an impeachment in his pocket against a Noble Lord in a blue ribband, who had lost half the British empire, but no proceedings had taken place in consequence of the declaration, and would that House, after suffering a delinquent of so very enormous a description to pass with impunity, continue to act so unjust a part as to persecute a man who had saved India, which a right honourable and learned gentleman had termed the brightest jewel in the British Crown! The right honourable and learned gentleman must excuse him, if he did not quite agree with the position that India was the brightest jewel in a Crown of three kingdoms, one of which at least was a brighter jewel than India, though the latter undoubtedly was a jewel of considerable lustre and value. With regard to any occasional stretch of power instanced in the government of Mr Hastings, the exigency of affairs and the great distress and urgent occasions during the period of that government's existence, were a sufficient justification; and it ought to be remembered that that House had since armed Earl Cornwallis with infinitely greater powers than Mr. Hastings had ever assumed in times of the most pressing difficulty. The House, therefore, had itself recognized the necessity for the Governor General of India's exercising such powers, and consequently, it would be absurd and inconsistent to proceed to punish a man for taking upon himself those powers which the Legislature had thought proper to be vested legally in his successor. Mr. Wilkes declared, that instead of treating him like Verres, to whom he bore no manner of resemblance, they ought to consider him as the Romans did Scipio, to give him thanks and titles of honour. He hoped, therefore, that an end would, that night, be put to the impeachment, and a motion for a vote of thanks to Mr. Hastings take place in its stead. He concluded with moving, by way of amendment to the noble Lord's motion, "that the "report be read a second time that day three months."

The Lord Advocate

The *Lord Advocate* said, that entertaining as he did, an opinion favourable to the party accused, he thought himself bound in conscience to declare it. He had frequently heard it remarked by gentlemen on both sides the House, that this was no party or political question, but a solemn judicial proceeding; and undoubtedly it was. He hoped every member of the House would keep this in view, and would consider himself as deciding upon the fate of a British subject in a case where his fortune, his fame, his situation in life, the peace of his mind and of his family were all at stake. In such a case, whatever respect he might have for those who supported the prosecution, he could not permit himself either to think or act upon confidence in the superior abilities or information of any person existing, unless in so far as his own mind was convinced. The honourable gentleman who opened the charge concerning the revenues of Bengal, whose zeal for the cause he had undertaken would admit of no doubt, had made a very fair and honourable declaration. His words were, "He who "accuses ought to be convinced." This (the Lord Advocate said) was exactly what he felt as to his own situation. Were he convinced by the evidence produced, that Mr Hastings was guilty of all or any of the crimes imputed to him, no consideration whatever should induce him to withhold his assent to the impeachment. But if, on the other hand, he was not satisfied of the guilt, and still more, if he was satisfied of the innocence of Mr Hastings, he must, on the same principle, as an honest man, refuse his concurrence to the measure proposed. He believed some gentlemen had conceived an idea (which he held to be extremely dangerous and unconstitutional) that as that House was not ultimately to judge of Mr Hastings' conduct, but only to perform the part of a Grand Jury; and as Mr. Hastings would have an opportunity of clearing himself before the supreme tribunal of his country, if innocent, it was the less necessary to go nicely to work here. It was enough, if any grounds of suspicion or unfavourable conjecture appeared. He had even heard it said, that Mr. Hastings himself ought to wish for impeachment, and that the honour of the House was deeply committed to go on with the prosecution. As to Mr. Hastings' wishes, he felt himself totally indifferent about them, and would look only to his own conduct and character as a member of Parliament. He indeed thought the House deeply committed; but it was to do justice, and not to impeach right or wrong. The province of the House, in such a case, was no doubt similar to that of a Grand Jury. "An impeachment by the House of "Commons (says Judge Blackstone) is a presentment to the "highest court of criminal jurisdiction by the most solemn "grand inquest of the whole kingdom." The same author tells

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us that "a grand jury ought to be thoroughly persuaded of "the truth of an indictment, so far as the evidence goes, and "not to rest satisfied merely with remote probabilities, a doc-"trine that might be applied to very oppressive purposes." — Such a doctrine was once maintained, in the case of Lord Shaftsbury, in the reign of Charles II: when it was laid down by Lord Chief Justice Pemberton, "that the grand jury had "only to consider whether there be probable ground for the "King to call the person accused to account." But this was most justly stigmatized as an unsound opinion; and it had since been held, that no man ought to be so questioned, "unless a Grand Jury take it on their oaths that they be-"lieve the matter of the accusation to be true." This is agreeable to the oath which a Grand Juryman takes—"to "present the truth," &c. The contrary doctrine would be very inexpedient in another point of view; for when one is brought to trial upon insufficient evidence, he must be acquitted; and as no man can be tried twice for the same offence, this amounts to an act of indemnity in his favour, though clear evidence should afterwards be obtained. It was in a peculiar manner necessary to attend to these principles in a case such as the present, where the subject of inquiry was not only who was the criminal, but whether a crime had at all been committed? After adverting a little farther to the manner in which the prosecution had been conducted, and to the arrangement of the charges, which he thought the most perplexed and most unnatural he had ever met with; he added that he would endeavour, coolly and impartially, to examine the several articles, and the amount of the evidence upon them, without entering into minutiæ, and following precisely the order of the charges themselves. He had always thought those articles which contained a direct and specific charge of corruption, by much the most important, not only as standing by themselves, but as pervading all the others, and accounting for Mr. Hastings' conduct in general, if it was wilfully and intentionally wrong. It was a fundamental principle in the criminal law of every country, that in order to constitute a crime, two things were necessary, 1st, the commission of some overt prohibited act; 2d, a vicious intention. Both must concur, otherwise there was no actual crime.

Sometimes the intention may be presumed from the act, but still both must concur; and if this be the rule by which the most common delinquent must be tried, it is still more necessary to be attended to in the case of men in public situations, who are called upon to act and to decide, and sometimes have only a choice of difficulties. A man in such a situation may perhaps judge ill, and act imprudently; but

was there any law by which error in judgement became punishable? It may be right to deprive such a man of his office as unfit to be employed; but is he to be arraigned criminal, if it does not appear that he wilfully erred? mischief must be great indeed, and the degree of guilt evident and notorious to justify such a proceeding. The question here was not, whether Mr. Hastings had done wrong in some particulars, but whether he had done wrong to that extent which should found an impeachment against him? The accusers, being sensible that it was necessary to ascribe a bad motive and a wicked intention to Mr. Hastings, have set out in the preamble of their amended charges with imputing to him in direct terms "the base and corrupt design "of procuring, for himself and his dependants, exorbitant "wealth." This then is the ground work of the whole, and to be first considered. These charges of corruption were classed under two heads, the contracts and the presents. As to the first, he was persuaded the House would, upon due consideration, think it right to follow the example of a right honourable gentleman, who, in the Committee, confined his views to three articles, the opium contract, one of the bullock contracts, and the allowances to Sir Eyre Coote. As to the opium contract, it was a little hard not only to deprive Mr. Hastings of the merit he had in being the first who turned this article to account for the Company, but even to make it the ground of a charge against him. The contract had been given in General Clavering's time to Mr. Griffiths, as the lowest bidder, afterwards on the same terms to Mr. Mackenzie, who was no friend of Mr. Hastings, and then to Mr. Sulivan, likewise on same terms, burdened with 90,000 rupees to a relation of Mr. Francis, which shewed that it was not the sole act of Mr. Hastings. This contract had always been considered as matter of patronage, and he saw less reason to find fault with Mr. Hastings than with other members of the Council. On that account, the bullock contract, he thought, was in a similar situation. As to Sir Eyre Coote's allowances, Sir Eyre claimed extraordinary allowances when in the field; and this had always been customary. It was difficult to contest a point of this kind with the Commander in Chief, who had his sword in his hand. It was not the sole act of Mr. Hastings, but the majority of the Council, consisting then of five; of Mr. Hastings, Mr. Barwell, Sir Eyre Coote, Mr. Wheler, and Mr. Francis. When Sir Eyre Coote went to the country of Oude, it was thought reasonable that the burden of this allowance should be thrown upon the Vizier, who had the benefit of his protection, and the Vizier consented to it. It did not occur what great degree of blame there was in all

this. Sir Eyre Coote appeared to have had a desire for money. He at the same time performed very meritorious services. Mr. Hastings did not put a shilling in his pocket by any such allowances. His employers were likewise satisfied. With what propriety then did this House interfere? The same observation held as to the contracts in general. It is (added Mr. Dundas) a remarkable circumstance, that we do not find any relation of Mr. Hastings provided for, to the amount of a shilling; he has a nephew in the service who is only a Lieutenant, and we see no view to any influence at home, unless in the single instance of Mr. Sulivan. The charge concerning the presents fell to be considered under two separate heads. First, some alledged instances in 1772 and 1773; second, those beginning in 1781. As to the former, there was not a vestige of evidence or probability that any such had ever existed, and therefore it would be improper to waste time upon them. As to the second, they were all admitted, and indeed the only proof of them was Mr. Hastings' own letters to the Board of Directors. He first took the two lacks from Cheyt Sing's agent in June 1780 of which a full account is given by Mr. Hastings in his defence, supported by Mr. Markham's evidence, and by Mr. Hastings' letter to the Court of Directors by the first dispatches after the transaction happened. The next was the nuzzur or gratuity received from Rajah Kelleram and Cullian Sing, upon farming to them the revenues of Bahar in Oct. 1780. Mr. Anderson's evidence goes to justify th[illegible] founded in immemorial practice, and he says farmers and [illegible] mindars would agree to such extra payments, when the[y] would not give any excess of rent. The other articles were mostly of the same nature; the 10 lacks received from the Vizier in September 1781 were upon occasion of a very important transaction, (the treaty of Chunar.) Such presents have been customary from the beginning of time in those Eastern countries upon all occasions of intercourse; and we are not to view them in the same light as we would do similar transactions in Europe. There would have been nothing wrong in any officer's taking presents, had it not been for the regulating act of 1773; and it is clear that the prohibition of that act reached no farther than the case of an officer's taking for his own use. It had not in view the case of an officer's taking for the use of the Company; the clause forfeiting the sum to the Company shews this, and penal laws are always strictly interpreted. Besides, this act was repealed by the new India act 1784, and never can be the ground of prosecution. Mr. Hastings therefore was at liberty to take these sums for the Company's use, and so the Directors thought. The only argument of weight against

him upon this head is, that although he was not in fact corrupted, yet he acted as if he had been corrupted, and thereby set a bad example to those who give the presents. But, first, it would be strange to charge him as guilty of corruption, when in truth he was not corrupted. Second, his conduct was not influenced by any such transaction as we see from the case of Cheyt Sing, that the natives of India, accustomed to this practice from time immemorial, would not think there was any thing wrong in it. Third, the necessities of the Company at the time, and the fact of his applying all these sums to the Company's use, are strong grounds of justification. The Company having actually taken the benefit of all these transactions, and so far approved of them, and no intention being to this day signified from any quarter to refund the money so received, it does not occur with what propriety Mr. Hastings can be impeached for procuring it. Mr. Dundas then took a short view of the affairs of Cheyt Sing, the treaty of Chunar, the resumption of the Jaghires, and seizing of the Begums' treasures, which, although detailed, and branched out into a variety of charges, did truly make but one piece of history, the incidents following one another in a natural manner, and all relating to the Company's connections with the Nabob Vizier, which had been the source of great wealth and security to the Company, and to the public interest of this country in India. That the Governor and Council had a right, and that it was their duty to call on Cheyt Sing as Zemindar of Benares, dependant on the Company for extraordinary aids upon the emergency of a war, had been clearly made out in the Committee by a right honourable gentleman; and as to the intention which Mr. Hastings had of inflicting upon him a fine of 50 lacks for his contumacy, which was thought too exorbitant, this could not surely enter into the case, as in fact no such intention had ever been executed, nor even known to Cheyt Sing. The measure of resuming the Jaghires stands justified by the right honourable the Chancellor of the Exchequer as wise and politic, and was attended with no real hardship, the same allowances in money being continued. The plan of allowing the Vizier to insist also on having the treasures which truly belonged to himself, and were unduly withholden by his mother, arose out of the incidents which had recently taken place. She herself received no ill usage, but her two Ministers, the eunuchs, were laid hold of, and this brought about a compromise. As to Farruckabad and Fyzula Khan, the charges, he said, were trifling, and only founded on misrepresentation. Different expedients were tried from time to time; but both these

these parties are satisfied, and there is no complaint from them, or from any quarter of India. Neither was there any good ground of objection to Mr. Hastings, on account of the different modes which were adopted from time to time in the collection of the revenue. This will always happen in a new government. Mr Hastings got enemies by discontinuing the provincial Councils; but nobody who reads Mr. Bright's letter will think he was in the wrong so to do. Mr. Hastings had been most unjustly blamed for various acts of Administration, in which he had only concurred with others. The order of dates, as well as the state of the Council at different periods, ought to have been more distinctly attended to in the charges. Mr. Hastings had enjoyed the casting voice in the Council only for a very short time, and even then Mr. Barwell was equally responsible with him. Afterwards Mr. Wheler, Sir John Macpherson, Sir Eyre Coote, and Mr. Stables, came gradually into the Council. At one period a coalition took place between Mr. Hastings and Mr. Francis. How do the prosecutors account for this? And is Mr. Hastings alone to be made responsible during that period? Mr. Dundas concluded with observing, that, in suggesting what had occurred to him in favour of Mr. Hastings, he had avoided saying any thing upon the topic of his extraordinary services in general, being doubtful whether, upon the supposition of guilt in any specific article, a set off, as it is called, or balancing of accounts between merits and demerits, would relevantly be admitted; yet, at the same time, it was a mode of defence not altogether new. The proceedings in Lord Clive's case left no room to doubt that he owed his safety to it; and there was still a more illustrious example of it in history in the case of Epaminondas the Theban General, who, when tried for his life before the tribunal of his country, for having kept himself in command four months after he should have laid it down, acknowledged the crime, but enumerated the glorious actions which he had performed, and said that he would die with pleasure if the sole merit of these were ascribed to him, his countrymen having examined them. This speech procured his acquittal, and whoever (added Mr. Dundas) reads the history of India during the late war, will be apt to think that Mr. Hastings may die when he pleases, with similar words in his mouth.

Mr. Courtenay.

Mr. *Courtenay* declared that every man must look up to a noble Lord (Hood) with the utmost respect and reverence, when it was considered how much his country was indebted to him for having been a spectator of the victorious feats of the brave Lord Rodney on the 12th of April 1782. [A general cry from the Treasury side, of Order! order! and Sir

Michael

Michael Le Fleming rose up, and said, "if the House will "bear this, all spirit is gone."] Mr. Courtenay asked where was the mighty harm of his having complimented the noble Lord on his happening to be present when Admiral Rodney obtained his victory on the 12th of April 1782? He meant what he said as a compliment, and surely there was no occasion for any member to fly into a vehement passion, and call him to order, when he was persuaded that he had said nothing disorderly. The worthy Alderman who sat next him, he was sure, would not be so captious, but would have more sense than to feel angry when he meant him a compliment, which he certainly did in what he was going to say. The worthy Alderman, of whose ingenuity he was well aware, and no one of the House's members was more ingenious, was a most respectful character; a character to whom the country stood highly indebted, for having at one period of his life diffused a spirit of liberty throughout the general mass of the people unexampled before, excepting only in the singular times of Jack Cade and Wat Tyler That worthy Alderman had seconded the noble Lord's objections, and had spoken in favour of Mr. Hastings, who had likewise been elaborately defended by the right honourable and learned gentleman opposite to him; but, upon a review of the defence made by him and the noble Lord and worthy Alderman, their arguments would be found to be the most singular and extraordinary that could possibly have been urged. The worthy Alderman had mentioned the affair of the Begums, and had defended it, by saying that the Begums were in rebellion against Mr. Hastings. Surely the worthy Alderman must have looked upon the transaction obliquely, or he never could have formed such an idea. Two old women in rebellion against the Governor General of Bengal. The fact was impossible; it could not have been so. Nor would the worthy Alderman have made an Essay on Woman in the manner that Mr. Hastings had done. That House well knew that he would not. But the learned Advocate had chosen to defend the treatment of the Begums' ministers, and said, the eunuchs brought it upon themselves. Had they given up the money, they would not have been flogged; it was put to their option, and was a compromise. They would not give up the money, and therefore the flogging was fair. This, Mr. Courtenay said, put him in mind of a well-known fact that happened many years ago. One of our Kings (King John) wanted to borrow some money of a rich Jew, but the Jew refused to lend any. He was then brought before the King, who ordered one of his teeth to be drawn. The Jew still refused to lend the money. The King ordered another of his teeth to be drawn. The Jew was yet obstinate;

a third tooth was drawn, and he then consented. The Jew therefore, according to the learned Lord's argument, drew his own teeth; for it had been put to his option whether he would lend the money, or have his teeth drawn; and he chose the latter. Another extraordinary argument made use of by the learned Lord, was his contending, that although Mr. Hastings took the present of the Nabob Vizier, he nevertheless rigorously exacted the immediate payment of the Nabob's debt to the Company, and consequently proved that the present had not produced a corrupt effect. This reminded him of a case in point, which happened in James the Second's time in 1686, when there being some insurrections in the West, General Kirk was sent to quell the disturbances; an office which he executed with great rigour and severity. It happened that a young man was taken up as a delinquent, who was just going to be married to a young woman, and between them a mutual and an ardent passion subsisted. The young woman went to the General's tent, and implored mercy for her lover. The General told her, if she would suffer him to enjoy her, her lover should be saved. The young woman consented, and the first thing that Kirk did in the morning, was to lead the young woman out of his tent, and shew her the body of her lover hanging on a tree. In this instance, according to the learned Lord's argument, General Kirk acted with strict justice, and in a laudable manner; for, though he enjoyed the woman, he did his duty, and hung her lover. The learned Lord, Mr. Courtenay observed, had laid great stress upon the motive and the intention, declaring, without proving, that the House, as accusers, had no right to ascribe guilt. This was new to him. He had hitherto always thought, that if the criminal fact was proved, the criminal intention was presumed. But, according to the learned Lord's doctrine, if a man were to murder another, and not to rob him, he would be guilty of no crime, because he only murdered his object; and who could impute a criminal intention, since it was evident he had not robbed him, although he might, if he chose to have done so? With arguments as absurd and ridiculous, upon the face of them, as those he had answered, was Mr. Hastings defended. What he had said therefore was a sufficient answer to all of them; for no real argument, solid, substantial, and rational, had been brought to prove that Mr. Hastings had not acted uniformly upon a system of treachery, breach of faith, corruption, oppression, and injustice; without a regard to his engagements, to his duty, to his situation and character. As an instance that he had not done his best to promote the interest of his employers, Mr. Courtenay said, he would state an authentic anecdote, of which, if

 necessary,

necessity, he could give indubitable proof. General Camac was about to embark for Europe, when intelligence reached Calcutta, that the Mahrattas threatened the invasion of Bengal. Mr. Hastings sent to desire the General to take the command of the troops, and march to the defence of the frontier of Bengal. The General consented, and by his uncommon vigilance and exertions, brought Madagee Scindia to an engagement, in which he completely routed him, and destroyed a great number of his troops. Madagee sent to the General an offer of terms of peace, highly beneficial to the Company's interests. Mr. Hastings, instead of meeting the proposal, conveyed to him by General Camac, sent General Muir, a man debilitated by indisposition, and a martyr to the gout, to take command of the troops in the place of General Camac, and three years afterwards, after the expenditure of millions, a dishonourable and disadvantageous peace was concluded with the Mahrattas. Mr. Courtenay expatiated on this anecdote, and took notice that Mr Hastings had, in the course of the preceding debates, been compared to Verres, to Alexander, to Scipio, and to Epaminondas. He said, that he thought the first the comparison most in point; but he would not refer to the Romans and Grecians for a comparison. It was so long since he had read books relative to them, that he had almost forgotten their contents. He would look to more modern history for a comparison, and he recollected an apt and a close one. It was Ferdinando Cortez to whom he alluded. Ferdinando Cortez had been sent out by Charles the Fifth to make discoveries in South America, to instruct, to murder, and to baptize the uninformed Indians. He pursued his object, and his footsteps were marked with blood and cruelty; insomuch that the news of this brutality reached Madrid, and was thought so much a national disgrace, that an inquiry into his conduct was deemed due to the national character. The Bishops and Archbishops who united in their own persons the characters of Prelates and Chief Justices, were ordered to conduct the inquiry. Cortez was accompanied by one of these Chief Justices, the Archbishop of Toledo, whose object it was to go about and collect affidavits. In order to clear themselves from the charge, they contrived to get several affidavits sworn, that the deponents heard a chorus of angels sing in the Mexican language, *gloria in excelsis*, and the blessings of Heaven upon the head of Ferdinando Cortez, for his humanity and benevolence to the Mexicans and Peruvians. The Archbishop of Toledo transmitted these to the bench of his reverend brother Chief Justices; they persuaded the people to believe the facts deposed; a general credulity prevailed, and at the same time Cortez sent Charles

the Fifth some jewels, nor a bulse he believed, for that was an oriental word, not then known in Europe, but which had an equal affect upon the Spanish Monarch's mind, and all Spain rang with the praises of Ferdinando Cortez. Extravagant and ludicrous as this story might appear, Mr. Courtenay said, it was an undoubted fact, and stated as such in the letters of Cortez to Charles the Fifth. Mr. Courtenay dwelt for some time on the analogy between the conduct of Cortez and the conduct of Mr. Hastings, and at length concluded with declaring that he should vote for the second reading of the Report.

Mr. Alderman Townsend.

Mr. Alderman *Townsend* observed, that he did not rise to make jokes and tell pleasant stories, nor to express himself in terms so gross and indecent, that they were not only not fit to be heard in that assembly, but scarcely fit to be heard in any assembly where the smallest pretensions to propriety were affected. He had not called the honourable gentleman to order who spoke last, because he meant to answer what he said, but he was astonished that the Speaker sat still and neglected to stop the honourable gentleman, and tell him that such language was not to be borne in that House. The Alderman appealed to the candour and feelings of gentlemen, whether in a criminal proceeding, and while they were sitting in the capacity of Grand Jurors, it was either decent or becoming to abuse a gentleman who stood as a criminal at their bar, in a manner so full of grossness and personal asperity? Having said thus much, and declared that, notwithstanding the natural warmth of his temper, he had restrained his feelings, because he wished to answer the honourable gentleman who spoke last, and who, he hoped, would get up, and make an apology to the House for what he had said: the Alderman declared that he had already advanced what he meant to urge upon that subject; he would therefore dismiss it, and throw himself back upon himself. He then reminded the House that he had, in the beginning of the business, advised them by no means to think of an impeachment, and had urged the extreme impropriety of carrying articles to the House of Lords, which they would have thrown back in their faces, as unsupported by proof of any sort whatsoever, and incapable of being established by evidence. The fact had turned out, as far as it had proceeded, exactly as he had foretold. To the charges that had been voted, he had patiently attended, and had not heard one of them made out clearly and satisfactorily; if therefore they proceeded any farther, and went up to the other House, they must fail there, and the disgrace that they meant for Mr. Hastings would be their own. He had heard the honour and justice of the House appealed to, in his mind, very improperly. He asked, what

honour was there in hunting down an individual, who deserved the thanks of his country for having done it the most signal and essential services, and who was it that complained against Mr. Hastings? As to justice, if that were truly the motive of the House, why did they not make retribution to the persons from whom Mr. Hastings had taken the money, which he had applied to the necessary purposes of the Company. Mr. Townshend justified Mr. Hastings on the ground of State necessity, and said, he deserved the highest applause for having not stood upon so paltry a punctilio, as considering whether it was rigidly correct and legal, when he was about to execute a measure essentially necessary to the immediate service of the Company's affairs, and to the salvation of India. He recollected when the right honourable gentleman (Mr. Pitt's) father, with an activity and vigour of exertion that did him the highest honour, foreseeing that the French were preparing for war, sent orders to seize upon a number of French ships, and publicly sold them and their freights before there was any declaration of war. At that time, though undoubtedly as there had been no declaration of war, the act was in itself illegal; nobody thought of blaming the right honourable gentleman's father, but, on the contrary, the country rang with his praises; yet as the nation meant justice, the money that the ships sold for and contained, to the value of 600,000 l. was afterwards ordered to be returned to the innocent individuals to whom it belonged. The Alderman reasoned upon this, and said, that making restitution to the persons whose property had been taken, would be more like an act of justice than hunting down an individual against whom no complaint had been made. He concluded with expressing his hope that the House would that night put an end to the proceeding, by consenting to the worthy Alderman's motion.

Mr. Nathaniel Smith.

Mr. *Nathaniel Smith* then rose: he rose with expressions of distrust of his abilities, to explain his sentiments on the present occasion in the manner he wished to do. But, after the information he had derived from the Company's records, and the opinions he had deliberately avowed as a Director of the East-India Company, upon the political conduct of the late Governor General, he could not reconcile it to his feelings to let so important a subject, with which he had been in another place much connected, pass, without stating to the House the motives which had determined him to the vote he intended to give that night.

He observed the charges went to affect the character, the reputation, and the fortune of a fellow subject, who had filled an arduous, high and important station under his country for thirteen years; and when he considered the grounds

and motives which impelled Mr. Hastings to those pursuits and actions, now arraigned by this House, were, from distance of time and place, involved in a great deal of obscurity, and in several respects misrepresented; much as he had condemned, and still continued to condemn, his political measures in various instances, he thought it a degree of justice due to the accused to remind the House of certain transactions long since past, but which, in their consequences, led to those measures from whence the charges have been drawn.

He then observed, that it had proved a very unfortunate circumstance to this country, that, when we first came into the possession of the Duannee or royal revenues of Bengal, a strange infatuation prevailed, arising out of sanguine representations from abroad, that the sources of our new-acquired wealth were almost inexhaustible. Slumbering in security over this idea, the Ministers and the Company were alike solicitous to obtain large annual remittances, from that new-acquired wealth, to England. Therefore, in 1767, the second year after the acquisition, Government brought the Company to stipulate for the yearly payment of 400,000 l. out of their revenues, as a participation for the Public of the surplus wealth of Bengal. The Proprietors were induced to accede to these proposals, by the hope of some small annual increase of their commercial dividend, till it extended to twelve one half *per cent.* and which Government might otherwise have prevented. In strict justice, the discharge of the Company's debts ought to have preceded every other consideration, the duties to the Crown excepted, as they had been contracted for the attainment of these new acquisitions, and for the carrying on a long and expensive war in the Carnatic; a war the Company had not been in the least accessary in bringing on, but the contrary; for they had used every means to avoid taking a part in it; but were at last, in their own defence, dragged into the war by the restless ambition of France, and her intrigues at the Courts of the Native Princes.

This inconsiderate eagerness in the Ministers, after immediate gain from the newly-acquired revenues, was in the highest degree improvident; whilst every other object relative to India, however important in its nature, appears at that time to have been neglected. Not the smallest consideration was paid to the abilities of the country, to afford, besides the current demands of the several governments in India, so large a surplus from the revenues as became necessary to supply the wants at home. The Directors' instructions undoubtedly cautioned the Rulers in India against entering into wars with the Princes of the country, and constantly recommended moderation, justice, and

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good faith, towards them. At the same time, the Directors, in their letters to India, were under the necessity to enjoin their servants in the strongest terms to send home large annual investments, without drawing bills on the Company, in order to realize in England such considerable remittances from the revenues, through the medium of the trade, as should enable the Company to keep their engagements with the Public, and that Government might on no account be disappointed. This intemperate zeal on the part of the Ministers to grasp at immediate wealth, he considered as the origin of the wars in India, and of all those distresses and embarrassments in which we were involved during the latter years of Mr. Hastings' government. For the Rulers abroad, goaded by the pressing demands of the Company to send home large annual investments, without drawing bills on England, and anxious at the same time, which may naturally be supposed, to gratify the only object Ministers appeared to have in view, or to be in the least attentive to, with regard to India. When they found therefore that the regular resources arising from our revenues were inadequate to answer the exigencies of the several Governments in India, and supply the wants at home, and when they perceived that any doubts or apprehensions of the insufficiency of our revenues, to provide for the engagements to Government, were either disregarded or ill received, the Rulers in India had recourse to treaties for subsidy or tribute from the neighbouring States, in return for protection and assistance. And hence it was, that Mr. Hastings, in 1773, a year and a half after he came to the government of Bengal, in order to relieve the distresses he had found the country groaning under, from an exhausted treasury, and an heavy-bonded debt, was impelled to depart from that wise and prudent system of defence alone which had been recommended by the noble Lord, from whose valour this country derived its present possessions in India.

Mr. Hastings having departed from this defensive system, by extending it to an offensive alliance with the Nabob Vizier of Oude, launched at once into that wide and dangerous sea of politics, in which the Ministers of this country and the Company have been floating ever since, at least, till within these last two or three years, when the late act of Parliament confined them again to the wiser and safer system of defence alone. Mr. Smith observed he was justified, in the reasons he had assigned, for Mr. Hastings' conduct, from the Company's records; for, at the end of 1773, on his return from Benares, some altercation arising at the Council Board, from a member having reproached him for surrendering up the Mogul's two provinces of Corah and Illehabad to

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the Vizier, he replied that his object had not been extension of territory, but merely the attainment of a sum of money to relieve the distresses of Bengal, and assist the wants at home.

And Mr. Hastings, in a letter to Shaw Allum about the same time, in reply to his demand of tribute, says, "the edge "of misery to which this country is reduced, must ruin it be-"yond redemption, should we drain it of its little remaining "wealth." The Shaw had two years before quitted the Company's protection, and taken shelter with the Mahrattas, who were then our enemies: therefore admitting the Treasury to have overflowed at that time, it would have been not only the height of folly and imprudence, but of treachery also to his country, if in the Shaw's situation Mr. Hastings had paid the tribute; yet the not doing it has been brought as a charge of criminality against him. The Company's affairs at home, about this period, (the latter end of 1772) as must be in the recollection of many gentlemen in this House, were in so great a state of distress, that Government, alarmed for the effect it might have on commercial credit in general, obtained a loan from Parliament of 1,400,000 l. in Exchequer bills, to induce the Bank to advance to the Company a sum of money to that amount, under the guarantee of the Public.

Such was the gloomy prospect of the Company's affairs in India and in England at the time when Mr. Hastings made the treaty of Benares with the Nabob Vizier of Oude. The distresses abroad had arisen solely from the extravagant requisitions made from home for constant annual remittances, beyond what the revenues of Bengal could afford; whilst the distresses at home had been entirely owing to the heavy drains upon the Treasury in Leadenhall Street, to discharge the participation or tribute Government had obtained from the Company for the use of the Public, before Ministers were at all confirmed in the abilities of the country to admit of such a drain, and which they continued to exact without inquiry or examination, after apprehensions had been expressed of the ruinous consequences that must ultimately attend a demand so much beyond what the revenues were at all likely to afford for any continuance. For, exclusive of the expences incurred by the Company for stores, recruits, and various other disbursements, that have no reference to commerce; exclusive of the additional exports in the manufactures of Great Britain, and of the great increase in duties to the Crown, and in all the commercial charges from the extension of the investments from India, which operated, at the same time, to occasion a considerable diminution of the profits that used to arise from the trade; Government

vernment had taken, under the plea of participation, between March 1767 and September 1772, 2,000,000, and laid claim to a farther sum that would be due on the same account the 25th March 1773, of 170,000 l. Hence arose the real cause of the deficiency in the Company's treasury to meet the regular demands. The Company had, in the same period in which Government obtained near 2,000,000l., received no more than 614,000l. on the Proprietors' account; and if the amount of the reduction on the commercial dividend below eight *per cent.* during this interval of distress, which came to 306,000 l. be taken from the above excess of 614,000 l., the remainder, about 308,000 l., will give the whole amount that the Proprietors have received, beyond a commercial dividend of eight *per cent* in the space of twenty-two years, from the first attainment of the Duannee, in return for all the expences they had incurred, and the hazards to which their commercial property has been exposed for upwards of thirty years. The advantages derived from the alliance entered into with the Vizier in 1773, were very considerable, and came at a very fortunate juncture to release the credit and engagements the Public had entered into, in order to assist the Company; for, after such large exertions, the Ministers could not in conscience suffer the Company to fail, from neglect on the part of Government to support them.

By means of the pecuniary aids from our alliance with the Vizier, the treasury of Bengal became replenished, the debt on bond there, to the extent of 130 lacks, or 1,300,000 l., discharged, and such very considerable supplies sent home, as enabled the Company to pay off the 1,400,000 l. in Exchequer bills before they became chargeable on the Public; also to pay off the 170,000l. due to Government on account of participation, and to reduce their own bond debt at home from near 2,900,000l. to one million and a half.

These debts paid off, the Company had no sooner returned to their commercial dividend of 8 per Cent. than the Minister, taking advantage of the momentary state of the treasury, on the 1st March 1781, laid claim, under the plea of participation, to 600,000l. out of 760,000l. which from accidental circumstances appeared upon the balance of the cash account at that period: this payment claimed by Government was afterwards adjusted at 400,000 l.; but the demand had been made without ever reverting to the state of the current debts of the Company, in order to shew what was due, or growing due, upon the duties and freights of those goods which had been brought to market in the September sale; and being cleared before the prompt, had occasioned the balance in the treasury; whereas if a large part of the goods, as has often happened, had not been paid for till after the

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1st of March, the balance of cash in the treasury would have been very inconsiderable.

Mr. Smith observed, that he did not mean to infer that Government had no ground of claim to the 400,000l. under the hard bargain the Company had improvidently yielded to; but that he meant to shew, from this rash and hasty proceeding to demand so large a portion of an accidental balance, after the warning experience had held out of the inability of the resources in India to afford such heavy drains as Government seemed desirous to exact, that their conduct plainly pointed out such an eagerness in Ministers after immediate gain, as left the Company no room to expect the smallest indulgence in future, whenever any considerable balance remained at the annual close of the cash account. The effect this demand had upon the Directors was, to drive them to the necessity of calling for the continuance of large investments without drawing bills of exchange: whilst the servants in Bengal, finding the former extraordinary supplies almost exhausted; that casual aids seemed to be the principal object Ministers looked up to from India; and that they had expressed no disapprobation of the temporary alliance made with the Nabob Vizier in 1773; which it undoubtedly became the immediate duty of the servants of the Crown to have done, whenever they saw political misconduct in any of the measures adopted by the Company in England or in India:—from these circumstances the supreme government were stimulated to pursue farther extraordinary aids from similar alliances with other states, in return for protection and assistance; by which means the Governor General became entangled in negociations and intrigues with the Rajahs of Bundlecund and Berar, the Rana of Gohud and others, until the jealousies of the three great powers of Decan and Indostan became awakened for their future safety; and encouraged by war breaking out in Europe, whereby France was enabled to take an open and active part in the politics of India, and afford them assistance; and being farther emboldened by the disgraceful convention at Wargaum; those native powers were induced to throw aside that natural distrust and animosity towards each other, so prevalent among despotic states, and to enter into one common league for our destruction, by determining to attack us at the same time in Bengal, the Carnatic, and on the western side of India: and hence arose that formidable combination for our extirpation made between the Nizam, Hyder, the Peshwa, and the several Mahratta states dependant on the Poonah government.

He desired, that he might not be considered by the House as a defender of Mr. Hastings' political conduct; on the

contrary, he said, that as a Director, he had constantly opposed every attempt to grasp at offensive alliances in India for the attainment of subsidy, tribute, or dominion, or the right to interfere in the internal government of any state the Company might enter into alliance with, upon the ground of their protecting authority. These he had opposed, because he held such an extensive system of policy incompatible with the true interest of Great Britain in her relative situation to those dependant provinces so distant from the seat of empire; dangerous to the lasting security of those provinces; and unavoidably leading, from circumstances arising out of situation, to frequent acts of oppression and injustice; not from any peculiar depravity of mind in those particular persons to whose lot it had fallen to be sent into such situations; but from the imperfections inherent throughout human nature, which under similar temptations would operate on almost all mankind alike, and prompt them to embrace the same pecuniary advantages when they came in their way.

For, said Mr. Smith, when two powers exist in the same state, neither of which can legally control the other, as in the case of auxiliaries, whose strength happens to exceed the military force of that state which solicits their protection, the natural consequence must be, that the existing state being the opulent and weaker power will, in order to guard against oppression and irregularity from the stronger, have recourse to intrigues and pecuniary indulgences to keep the protecting forces in temper, and prevent them from running into exactions and excesses difficult to detect, or to restrain when detected:—that this sort of double government or undefined authority had prevailed in the Carnatic these thirty years past; in Tanjore ever since 1773; and has been precisely the situation in Oude from 1775, when, upon the death of Sujah Dowlah, the supreme government entered into a new and more extensive treaty with his son and successor; making Oude the northern barrier to the British possessions; and stipulating to receive certain monthly payments for the maintenance of a whole brigade, to be stationed for the protection of the Vizier's country in cantonments on its western boundary. A civil establishment of a resident and assistants was likewise fixed at Lucknow, in order to pay the troops, and for the purpose of receiving the stipulated subsidy as the monthly payments became due; to watch over likewise any intrigues carrying on at the Vizier's court, which the resident was constantly to keep the supreme government informed of from time to time, and to give the Vizier his advice as occasion might require. Besides these British forces, the Vizier had about 8000 horse and foot, which were con-

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sidered to be more immediately his own; these were to be paid under the inspection and authority of the resident, and to be disciplined and commanded by British officers selected for that purpose; but whilst they remained in the service of the Vizier, and were considered as his troops, these officers were not liable to martial law: by this measure forty-eight British subjects were placed over his troops, who were under no control from the laws of their own country; so that removal or recall remained the sole remedy against any excesses they might run into, and the only punishment for any oppressions or exactions they might commit.

He said, this treaty and these new and extensive arrangements had been made when Mr. Hastings had not the ascendancy at the Council Board, therefore they ought not to be imputed to him; they were made when General Clavering and Mr. Monson's influence predominated there; two men whose memory he highly respected, whom he considered to have been as upright characters as ever lived, and who would never have committed so gross a mistake, could they have foreseen the consequences.

However, this great error in suffering British subjects in Oude to exercise military authority independent of any legal or regular control was, in his opinion, the origin or principal source of all the excesses and irregularities which had arisen in the Vizier's country, and which no subsequent checks or restraints had been able to counteract in any material degree, or to any effectual purpose.

If, said Mr. Smith, we may be allowed to judge from Mr. Hastings' minutes and remarks from time to time, it will clearly appear that he early saw the dangerous situation in which our protecting influence had involved the dominions of Oude; he felt for the distresses our connections with the Vizier had brought upon his country; but he knew not how to disengage us;—on the one hand he was afraid that to continue our protection would end in the impoverishment and ruin of the dominions of Oude; on the other, to retire he seemed to think was impossible with any degree of credit to the British name in India, or with the safety and permanent security of those valuable acquisitions of Great Britain, the provinces of Bengal and Bahar.

From these embarrassments, he asserted, those various changes and alterations had arisen, which were to be found in the late Governor General's minutes and resolves in council, and in his instructions given at different times to his agents in Oude; and whoever perused them dispassionately and with attention, would easily trace Mr. Hastings' apprehensions for the fate of that country, and would perceive

his solicitude to preserve it from falling a prey to domestic dissentions, or from being dismembered by the imbecility and distraction of its government, the rapacity and treachery of its own subjects, and the secret liberalities of the Vizier to his protectors.

However, he observed, Mr. Hastings may have erred in political measures, and erred he certainly had; however unfortunately for the Company those measures had closed, he was convinced the late Governor General was actuated by no private motives, but merely from a laudable desire to aggrandize and enrich his country.

The temporary alliance entered into with Sujah Dowlah in 1773, he reminded the House, had been productive of essential advantages; having relieved the Company from very alarming distresses both abroad and at home, and which had been entirely owing to the inconsiderateness and precipitancy of Ministers; whom, he conceived, were by no means ignorant at the time of the source from whence those pecuniary advantages were derived; and certain he was, that they had never stated that source as a ground of objection on their part, to appropriate the money so procured to the uses of the Public; though, he observed, Government had received seven-eighths of the aids derived from that temporary alliance.

He said, that the subsequent alliances, or rather negociations for those purposes, did not prove so successful as the treaty made in 1773; they had not only been unproductive of any pecuniary advantages, but had led to combinations and wars against us, which were attended in the end with alarming and humiliating circumstances.

The dangers and distresses from those wars with Hyder and the Mahrattas were greatly increased by two events, which the supreme Government were in nowise responsible for. The one was the war in Europe, whereby France became enabled to take an active and open part in the politics of India, and to encourage and assist our enemies. The other was the fatal catastrophe which befel the Carnatic, from Hyder's uninterrupted irruption, when he first marched against it; by which means he committed such devastations, as he advanced, as made it difficult to dislodge him. This arose entirely from neglect and inattention on the part of that government which immediately preceded Lord Macartney's arrival. Fortunate indeed it would have been, he said, for the Company, if his Lordship's appointment to the head of the government of Fort St. George had taken place ten or twelve months sooner than it did; Hyder, in that case, would have been met at his first entrance into the Carnatic, by a force sufficient to drive him back, or

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else by invading of Mysore, our troops would have found him full employment in the defence of his own dominions.

He asserted, if neither of these two unfortunate events had happened, there would have been a reduction of at least three millions in the expences incurred in the general war in India, without reckoning in any part of the accumulating interest that has arisen since the peace took place.

And that if the Company had only had the three native powers to contend with, and the government of Fort St. George had been prepared to counteract the views of Hyder, formidable as their combination appeared, this country, beyond a doubt, would have dictated the Mahratta peace, and the conditions would in that case have been as honourable as they were humiliating.

He said, that the Carnatic alone, from the ravages to which it was exposed, and the temporary annihilation of a very considerable part of its revenues, had been necessitated to draw supplies from the Supreme Council, which in three years had amounted to 200 lacks of current rupees, and 84 of them in specie: these heavy drains to provide for the troops in the Carnatic, joined to the enormous expences incurred by the army warring on the western side of India, so exhausted the resources of Bengal, as to drive the Governor General, in the hour of danger and dismay, in order to relieve the public wants, to act upon the despotic principles of those Asiatic States; by endeavouring to extort from the Rajah of Benares some portion of the wealth he had hoarded in Bedgee Ghirr, and to exact from the Begums of Oude, under the concurrence of the Vizier, the payment of the arrears of subsidy due from that country, in return for our protection; the treasury of the Begums being the only resource in the Vizier's dominions, from whence those arrears could be discharged.

The Nabob Vizier, he observed, was a weak and indolent Prince, and his revenues were at that period in a very declining state, the districts under the Begums excepted; who would sooner have parted with the whole of their treasure to promote our ruin, than a part of it to assist us. That the country of Oude was in much confusion; the government feeble and ill administered; which must ever be the case, he said, where an ill-defined authority and secret influence prevailed: that the Vizier's Minister was rapacious, and treacherous alike to his Master and the Company: that the great men of Oude, disgusted at our control or interference, and jealous of our future designs, were discontented with their Prince, whom they despised, and ripe for revolt: that the subsidy due under treaty was largely in arrears, and rapidly increasing.

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In addition to the brigade stationed in Oude, he said the war had made a farther detachment of five battalions, necessary for the protection of Rohilcund: these troops, as well as the brigade, the Vizier had stipulated to pay for; but, from failure in the discharge of the subsidy, the troops in Oude had fallen into arrears, and Bengal was totally unable to afford from her treasury the smallest assistance towards their support.

That, at the period alluded to, the end of April 1781, Fort St. George owed on bond, and on arrears, in the civil and military departments, upwards of 26 lacks of pagodas, with not quite a lack of pagodas in the treasury; and above 40,000 forces in the field, under the Presidency acting for the recovery of those districts in the Carnatic, which Hyder had wrested from us.

That Bombay had no more than three lacks, 90,000 rupees in the treasury, and the debts on bond of that Presidency amounted to upwards of 90 lacks of current rupees; whilst the Kelli, or general treasury at Calcutta, had no more in it than six one-half lacks of rupees, bills receivable included; and the supreme Government owed at the same time on bond and other debts one hundred and twenty-seven one-half lacks of current rupees; a situation truly alarming, and which sufficiently indicated the necessity of procuring extraneous aids, by every method to be suggested; as four different armies were to be provided for in the field, amounting together to upwards of 100,000 regular forces.

Mr. Smith observed, the plan for exacting from the Begums a sum of money equal to the arrears, did not originate with Mr. Hastings, as he had been well informed, but had been first suggested, and afterwards encouraged, by the Minister of the Vizier Hyder Beg Kahn; perhaps, he said, to conceal the declining state of the revenues of those extensive districts under his direction, or to indulge his resentment against the confidential servants of the Begums, and at the same time gratify the avarice of himself and his dependants by the private plunder of the palace. Whatever might be the secret motive of the Minister in the advice he gave at that alarming crisis, Mr. Hastings, finding himself surrounded on every side with distress and danger, adopted the advice; and it is to be lamented he did not fairly and openly avow the real motive for so oppressive a measure, than attempt to cover it under any other pretext. When the Begums had refused to comply with the requisition, force only could compel them. In the exercise of it some cruelties were likely to arise, and some would probably be magnified. The Minister's treatment of the eunuchs or confidential servants of the Begums in their confinement, whilst they were

under his care, was highly improper, and ought not to have been ſuffered where our interference could have prevented it. The withholding from the inferior women of the palace and the children the neceſſary ſubſiſtence for two or three days, was a wanton act of cruelty, not to be palliated. It could not in the leaſt promote the object in view, and was ſure to increaſe the national hatred againſt us. But this ought not to be imputed to Mr. Haſtings; for he knew nothing of the circumſtance till after it was over. The fact is, that it aroſe from a great want of attention on the part of the Britiſh agent, and the malice and reſentment of the Vizier's Miniſter, to whoſe direction the carrying of the meaſure into execution had been committed; whilſt the Britiſh troops were only ſtationed to prevent tumults and inſurrections on the occaſion.

Mr. Smith, at the ſame time, gave it as his opinion, that the interference of Britiſh authority in the domeſtic concerns of the Vizier, or any other native Prince we had undertaken to protect, was not to be juſtified in the eye of reaſon or ſound policy; nor ought any ſuch meaſures ever to receive the ſanction or approbation of that Houſe.

He lamented that the tranſactions of Benares and Oude had been revived; as he ſincerely wiſhed that a veil had remained over them, and they had been left to ſink into oblivion. For he obſerved, however, Mr. Haſtings might, out of political prudence, be ſolicitous to furniſh ſome colourable ground, at the time in the eyes of the ſurrounding States, for this arbitrary conduct towards the Rajah of Benares and the Begums of Oude, and there might be policy in ſuch a ſtep; yet the real motives that impelled him to thoſe acts were undoubtedly to procure conſiderable ſums of money for the public ſervice at a dangerous criſis.

The methods, he ſaid, that had been uſed to obtain the money, were violent and oppreſſive, and ſuch as are too often practiſed in Aſiatic governments; but which the mild principles of our happy conſtitution teach us to turn away from with diſguſt and horror. That the ſanction and recommendation of the Vizier, or any other Indian Prince, could never be conſidered as a juſtification for the interference of Britiſh authority in any ſuch deſpotic meaſures; that he conſidered the ſole extenuation, the only poſſible ground on which acts of ſo much violence could in any degree be vindicated, to reſt upon the critical ſituation of affairs, and the pecuniary diſtreſſes Bengal laboured under at that time, and which appeared from the ſtate of the treaſuries in 1781; as they evidently ſhewed the exactions to have made upon the ſpur of neceſſity, to aſſiſt the preſſing demands pouring in upon the Bengal treaſury from every quarter where our numerous for-

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ces lay; and to prevent, if possible, the armies in the field under different leaders from falling too largely into arrears, lest any of them should be tempted to disband or mutiny for want of pay; either of those circumstances, in the alarming situation of the Company's affairs, must have proved fatal to the British existence in India: but if disaffection had spread among the native troops, and mutiny prevailed, if that dangerous flame had once been lighted up, a general massacre of the Europeans would probably have ensued, and not a Briton have returned to relate the melancholy event.

Much, Mr. Smith observed, had been said on the subject of the presents, and criminal charges had been founded on them, not from proof of their having been taken for private or corrupt purposes, but from suspicion arising out of secrecy in the receipt or acceptance. For his part, he was confident they had been applied to the uses of Government, however blameable the Governor General may have been, how much soever to be condemned for having originally received them. That the higher the rank of any transgressor, the more dangerous became the example from such transgression; from which consideration alone, in all probability, arose, he said, that mystery and concealment which had led to the suggestions of corrupt motives in the Governor General.

The first presents had been received in October and November 1780, when the Company's situation was serious and alarming: the others had been obtained in 1781, and a review of the several treasuries at the time, of the arrears then owing, and the debts that had been contracted, will clearly point out our pecuniary distresses in India at that period.

He had been confirmed in his belief of the application of the presents to public uses from private information, derived from a man of high integrity, a brave and gallant officer now no more, but to whose valour and military talents the Company were much indebted. This information, he said, was conveyed to him for very different purposes, and related to a different subject; but some explanatory circumstances that accidentally occurred had fully satisfied his mind as to the intended application of the presents, and the motives and objects which had induced Mr. Hastings to deviate from instructions, he would else have faithfully adhered to.

He did not mean to say Mr. Hastings was fully to be justified in breaking through regulations it was his duty to maintain; but he meant to observe, that an executive power, delegated to a few individuals alike, without any real distinction of authority existing in any one of its members over the rest, had generally been found one of the worst among

the different systems of government that had prevailed in the world.

That Mr. Hastings had a nominal authority and an additional responsibility, as the first member of the Government; but in its executive acts his real power did not extend beyond a single voice, the same as every other member, whilst the second member of the Government being the Commander in Chief, naturally drew after him the military influence. He observed, that the system Mr. Hastings had to struggle with, was from its nature liable to contention, procrastination, and delay. For an executive government, consisting of five men, each invested with equal authority, must be incapable of any great exertion, and that management or intrigue could only prevent its wheels from being continually impeded. That such a situation under great emergencies, where public good was evidently the object, would excuse a departure from general orders and restrictions, and almost justify irregularities to any extent.

He observed much had been said on the subject of Zemindars, their rights and authority; and that the suppression of their power in several instances had been thrown out as a charge of criminality against the late Governor General. He apprehended, from the variety of opinions respecting their real nature, that we were not clearly informed on the hereditary privileges and immunities annexed to the office and station of a Zemindar under the Mogul empire. This he thought might in a great measure have arisen from the different ranks and authorities given to that description of men in different local situations.

They had rights, he stated, which under certain restrictions were hereditary, they had an interest in the soil from the permanency given to their situation; but the Prince was the sole proprietor of the land throughout the empire, and entitled to certain shares of their produce; however, he might sometimes alienate, or transfer in particular districts under different tenures, and for different periods, a part or the whole of such portions, as rewards to individuals for military services, or as an encouragement to cultivation, or for charitable and religious uses, and various other purposes. That even the lands allotted to the Zemindars, for the maintenance of their families, or the support of their dignity, remained with them no longer than they continued in their Zemindaree. That the office has usually descended to the posterity of the Zemindar under the ceremony of fine and investiture; but a material decrease in the cultivation, or decline in the population of the district, had been sometimes considered as a ground to dispossess him. That when Zemindars fail in their engagements to the State, though

not to the extent to justify removal, Supervisors or other officers of Government had often been sent into the Zemindaries to inquire into the causes, and had farmed out the lands, and exercised authority under the Duannee Laws, independent of the Zemindar. That many of those landholders, taking advantage of our ignorance when we first became masters of the country, alienated certain portions of their lands in their respective districts to relations and dependents, which rightfully belonged to the State, representing them to us under the description of ancient appropriations, for the purpose of charity, and for other religious uses. That such transactions were grounds sufficient to authorise a revision and inquiry, and to justify the Governor and Council in farming out the lands independent of the Zemindars. That these were the motives which had led the servants in Bengal to interfere in the jurisdiction of the Zemindars, and to restrain several of them in the exercise of their authority.

He then proceeded to remark, that he had never attempted, as a Director, to conceal or colour over Mr. Hastings' despotic acts, or any of the errors or misconduct in his political pursuits; that he had always acquitted him of private views, or any selfish motive whatever; having imputed those pursuits to the vices of ambition, and a mistaken zeal to enrich his country; but while he freely and openly condemned his political vices, he hoped and trusted that he had not been blind or inattentive to his public virtues; and which had marked his character in various instances: such as in his disinterestedness and contempt of money; in the liberality of his mind; in his encouragement to learned men, and to the promoting seminaries of learning for the attainment of the languages, the customs, manners, laws, and religious ceremonies of the Hindoos and Mahometans; circumstances which all descriptions of men, who had resided in Bengal during any part of his government alike concurred in, whether they had been countenanced by him or neglected. That, if he had been eager after wealth, if avarice had predominated in his breast, he might, during the thirteen years he governed, have realized in this country more than half a million Sterling beyond the reach of any power existing in our constitution to have legally taken it from him.

He was confident his fortune was inferior to the fortunes of many who had served under him; and he begged to assure the House, that he would not presume to make such an assertion, but from information that he was well convinced would not mislead him.

He asserted that the internal prosperity of Bengal had been well attended to under Mr. Hastings' authority [illegible]

intricate ſyſtem of finance had been fully ſearched into and explained under his direction; and was much better underſtood than when he came to the government; that his ſelection of men of abilities and integrity for that great end, and for other uſeful branches of information; the encouragement he gave to improvements in the cultivation of the ſoil, and in the manufactures of thoſe provinces; and his unwearied attention to the general welfare of the Britiſh poſſeſſions in Bengal, would long be remembered to his credit in that country.

That many of the great families in Bengal had fallen into decay, or were diſperſed, could not be denied; but that he obſerved muſt ever be the caſe, when countries not only change their maſters, but fall under a foreign rule. In the Carnatic, the veſtiges of the ancient principal families were deſtroyed in a much greater degree than in Bengal, without the ſame cauſes; but merely from the ambition and avarice of the Nabob of Arcot. That though the great families in Bengal were many of them diſperſed or fallen into decay, yet the ryots, or huſbandmen, the manufacturers, and every inferior deſcription of inhabitants, he was well convinced, enjoyed as much perſonal freedom and ſecurity of property as ever they did under the wiſeſt, the moſt powerful and humane of their own Princes; as they ever did under their favourite Acbar.

That, during the complicated wars in which we were involved, the aids he procured in the exhauſted ſtate of the treaſuries, the exertions and abilities he diſplayed, and the firmneſs and compoſure of his mind in the heighth of our diſtreſs, when almoſt a general deſpondency prevailed, greatly contributed to reſcue the Britiſh poſſeſſions from ſurrounding dangers, which ſeemed to threaten our exiſtence in India.

He then cloſed with remarking, that he had been anxious for the recal of the late Governor General, becauſe he did not think him calculated to meaſure back the ſteps he had trod, and to confine our future views of dominion within thoſe bounds which he had widely departed from during his continuance in office, or to circumſcribe within the limits of their former amount the expences of Government, which had been increaſed in the courſe of the war to an unprovident extent in ſeveral inſtances.

At the ſame time, he ſaid, that he ſhould be very ſorry, if, from any circumſtances which appear in the charges, the Houſe ſhould come to a ſevere deciſion againſt the accuſed; for, after the deepeſt reſearches into the charges brought againſt him, and the cooleſt and moſt diſpaſſionate conſideration upon the ſubject; when he took a review of the

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whole tenor of Mr. Hastings' government through the course of thirteen years, he could not avoid giving it as his sincere belief, that the errors in his political conduct were so greatly overbalanced by his public virtues, and the essential services he had rendered the nation at large, as well as the Company, that he justly deserved, instead of disgrace, to receive a generous and liberal treatment from his country.

These sentiments, he observed, had determined him to vote against the impeachment.

Mr Chancellor Pitt

Mr. Chancellor *Pitt* remarked, that he had deferred giving his sentiments on the question so long, because he found many gentlemen who were averse to the prosecution, had hitherto reserved themselves on the various stages through which the business had already passed, and had taken the present opportunity of delivering their opinions at large upon the whole of the subject, and had then for the first time entered into the defence of Mr. Hastings.—As this seemed to be the case, he thought it was but justice to those gentlemen, to Mr. Hastings, and to the cause, to hear what they had to say without interrupting them, or anticipating their general argument in favour of Mr. Hastings, by a particular discussion of the question immediately before the House. Those gentlemen had not taken up the question either as to the form of the articles, or the mode of proceeding, but had confined themselves solely to the broad consideration, whether Mr. Hastings was or was not guilty of crimes sufficiently great and glaring to render him deserving of punishment; and this discussion had been handled in a variety of ways by the several gentlemen that had undertaken it, and all of them had gone the length of arguing that there should be a complete and final conclusion to the whole proceeding—an opinion that he was ready to declare his own perfect and entire dissent from; for he felt himself totally at a loss to conceive how it could be reconciled to the honour, the consistence, or the justice of that House to stop short of sending up the impeachment to that place, where alone it ought to undergo its ultimate discussion. The noble Lord who opened the debate, and the honourable magistrate who followed him, had confined themselves wholly to a collateral question, (and one not immediately connected with that before the House) to the merits of Mr. Hastings, which they pleaded as a *set off* against his offences. This was a ground which he expected and hoped would have been abandoned, after what had already passed upon that subject, both from Mr. Hastings himself, who had disclaimed any such plea, and from many of the gentlemen who had delivered their opinions in the debates on the several charges. For his own part, such was his opinion of many parts of the

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charges brought against Mr Hastings, of their importance and criminality, that he could not conceive, if they were well founded, how the highest and the greatest merits which had ever been alledged in favour of Mr. Hastings, could be set in opposition to them as a plea even against conviction and punishment—much less against inquiry and trial, which were now the objects in question. His learned friend had very judiciously taken a different ground, and given up that set off; but still the principles he went on were no less objectionable than those of the noble Lord and the honourable alderman: he had treated the subject as if it was deficient of that consequence or magnitude which could entitle it to the judgement of that high and weighty tribunal to which it was proposed to submit it, and had besides endeavoured to oppose the farther progress of the business in that House, by analogous reasonings from the nature of this form of proceeding in Parliament and that of grand juries and other courts. But he could not conceive how any gentleman could possibly consider the charges against Mr. Hastings in any other light than as a very grave, heavy, and serious accusation, such as was supported by evidence at least sufficient to warrant the putting him on his trial, and such as was of magnitude sufficient, if substantiated in proof, to bring down on him very ample punishment. But as to the analogies to other inquests, the learned Lord himself, and those who entertained opinions similar to his, had themselves shewn how little their analogous reasonings applied; for they all seemed to go upon an idea, that the finding matter sufficient to put the party on his trial was assuming, for a certainty, that there was sufficient matter to convict—but this was by no means the case; for it was never supposed or imagined that exactly the same degree of evidence which was sufficient to warrant an impeachment of that House, must necessarily be sufficient to support and insure a conviction; neither was this the case in the finding of a grand jury—in both cases the final judicature must have proof considerably more substantial than that which the original inquest would have been justifiable in proceeding upon. But it was impossible for that House to govern itself exactly by the rules of a grand jury; for the subjects that were likely to become objects of impeachment were so different from those with which grand juries were conversant, that no analogy could take place in their modes of proceedings—besides, if the House of Commons were to take the proceeding of a grand jury as their precedent, and follow it exactly in all instances, it would amount to a complete dereliction of that function which they were then exercising—that of impeachment, a function which had been

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the bulwark of the Conſtitution, and which had enabled that Houſe to preſerve and maintain the freedom of their country, through the ſeveral ſtruggles they had made for that purpoſe—Was that Houſe competent to take depoſition and evidence upon oath? It certainly was not; and therefore if it were not, to proceed to an impeachment upon any other ſpecies of evidence than would juſtify a grand jury in finding a bill of indictment, it muſt never impeach at all; for a grand jury could not find it except upon affidavit. Still he admitted that the Houſe ought never to go ſuch a length as the carrying up an impeachment, except upon ſuch evidence as would afford a reaſonable probability of their being able to make good their charge before the other Houſe; and was there not here, from what had been produced in ſupport of this charge, and from the collateral and indirect matter which had alone been reſorted to in defence of that charge, very reaſonable grounds for expecting that they ſhould be able to make good the preſent? An honourable magiſtrate (Alderman Townſend) had inveighed with great ſeverity on the conduct of gentlemen who, (he thought) in ſupport of the charge had uſed expreſſions of too violent and perſonal a nature to be admitted in the progreſs of a judicial inquiry. He certainly was of opinion, that there was much illiberality in any attempt to inflame or excite emotions beyond what might naturally be expected to reſult from a fair and candid developement of facts, in the minds of thoſe who were the inſtruments of public juſtice. He confeſſed that he once was of opinion, that the language of thoſe who chiefly promoted the preſent proceeding, was too full of acerbity, and much too paſſionate and exaggerated; but when he found what the nature of the crimes alledged was, and how ſtrong was the preſumption that the allegations were true, he confeſſed that he could not expect that gentlemen, when reciting what they thought of treachery, actions of violence and oppreſſion, and demanding an inveſtigation into thoſe actions, ſhould ſpeak a language different from that which would naturally ariſe from the contemplation of ſuch actions.

The honourable magiſtrate had argued, that the honour of the Houſe was not committed to adopt the reſolutions of the Committee, and had endeavoured to prevent ſuch an impreſſion from falling upon gentleman as an inducement to their voting for them. But was there any danger of gentlemen being influenced by ſuch a conſideration in the preſent caſe? Had the reſolutions of the Secret Committee been a new matter, perhaps there might then have been ſome room for cautioning the Houſe not to be drawn into too haſty an adoption of them from motives of conſiſtency,

because in such a case their adoption might possibly be attributed to such motives; but even then such a caution must prove unnecessary; for no member could consider himself bound to support the resolutions of a Committee, merely because they were resolutians of a Committee. In this instance the object of the honourable alderman ought to be to convince such gentlemen individually as had voted for the several charges, that having done so, yet they would not be inconsistent in now opposing the Report; but this argument, he must say, he believed no gentleman would attempt to support; for certainly no gentleman who had supported the charges could, consistent with the principles on which he did so, now oppose the farther progress of the business. But, in fact, he not only considered those gentlemen who voted for the charges individually, but the whole House collectively, as called upon by every motive of honour and consistency, by their regard for the national character as well as their own, to unite, and persevere in bringing the matter to a final conclusion before the other House. The honourable gentleman who had spoken last, and who every body knew to be most perfectly conversant in the affairs of the East-Indies, who had done himself so much honour in every part he had at any time taken in the management of their affairs, and who had been besides in general a strenuous opposer of the measures of Mr. Hastings, had that day made the best defence for him which he had yet heard; but still, upon the very grounds of that defence Mr. Hastings appeared highly culpable. The principal argument which that honourable gentleman had stated in favour of Mr. Hastings was, that a great part of those rapacious exactions which he had made in India, arose from the orders he had received from his employers, the East-India Directors, who were so elated with the acquisition of the Dewanee of Bengal, and the expectations they from thence entertained of becoming the channels of vast wealth into this country, that they gave him directions for such extensive investments as could not be provided by the ordinary resources of the Company, and of course drove him to the necessity of supplying, by rapacity and extortion, the means of fulfilling their injunctions. Taking this to be the fact, it was, he contended, no argument whatsoever to skreen Mr. Hastings from punishment; for it went to say, that whatever acts of injustice a servant of the Company might commit, provided that he does it by the orders of his immediate superiors and employers, he should not be amenable to punishment—a principle which of all others that House should be most assiduous to resist, because such a principle, if once established, would entirely overthrow the responsibility of all public officers

officers—even of Ministers themselves. But was the fact even thus!—the East-India Company might entertain too flattering and too sanguine ideas of their situation, and so doing would naturally (as they did) give orders to their servants measured by the scale of those ideas. But was Mr. Hastings justifiable in recurring to acts of oppression and tyranny, in order to realize the visionary prospects of his masters? Was it not his duty to undeceive them, and by a proper representation of their affairs excuse himself for the non performance to its full extent of their commands?—He should recapitulate, as shortly as possible, the state of the charges against Mr. Hastings, from which it would appear, how impossible it was for him, or such gentlemen as were of opinion with him, to give him any other vote but one, of concurrence with the motion: though he certainly considered the whole of the charges as originally brought forward, as highly exaggerated in some parts, and as not wholly founded in others; yet there appeared, from the evidence which had been produced, that there was in them a great deal of matter of substantial criminality, and sufficiently authenticated to warrant that House in proceeding upon it.

The chief point of this mass of delinquency was all which he could touch upon; nor would he go into the articles at any length, having already delivered his sentiments at large upon such of them as he was not anticipated in by gentlemen who thought as he did. In one part of the charge of Benares, there was great criminality; in that of the Princesses of Oude there was still more; and *that*, indeed, he looked upon as the leading feature in the whole accusation. In the charges concerning Farruckabad and Fyzulla Khan, there was also much criminal matter. In all of those there were instances of the most violent acts of injustice, tyranny, and oppression; acts which had never been attempted to be vindicated except on the plan of necessity. What that necessity was, had never been proved; but there was no necessity whatsoever which could excuse *such* actions, as those attended with *such* circumstances. He could conceive a state, compelled by the necessity of a sudden invasion, an unprovided army, and an unexpected failure of supplies, to lay violent hands on the property of its subjects; but, *then*, in doing so, it ought to do it openly, it ought to avow the necessity, it ought to avow the seizure, and it ought, unquestionably, to make provision for a proper compensation as soon as that should become practicable. But was this the principle on which Mr. Hastings went? No; he neither avowed the necessity nor the exaction; he made criminal charges, and under the colour of them he levied heavy and inordinate penalties; seizing that which, if he had a right to take it at all,

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he would be highly criminal in taking in such a shape, but which having no right to take, the mode of taking it rendered it much more heinous and culpable. He, certainly, had no right to impose a fine of any sort on the Princesses of Oude; for there was not sufficient proof of their disaffection or rebellion. And the fine imposed on Cheit Sing, in a certain degree, partook of a similar guilt, though not to so great an extent—for, *then*, the crime was, in his opinion, not so much in the fine itself as the amount of it, and its disproportion to the circumstances of the person who was to pay it, and the offence which he had committed. But this vindication, from one part of the charge, in itself so weak, became, when coupled with other parts, a great aggravation; for, when a person on the one hand commits extortion, and, on the other, is guilty of profusion, if he attempts to skreen himself under the plea of necessity, for his rapacity, it follows that he is doubly criminal, for the offence itself, and for creating the necessity of that offence by his prodigality, and a still higher aggravation arises from the manifest, and, indeed, palpable corruption attending that prodigality—to what else could be attributed the private allowances made to Heyder Beg Khan, the minister of the Nabob Vizier, and the sums paid to the vakeel of Cheit Sing, when it was remembered that the one led the way to the treaty of Chunar, and the other to the revolution in Benares. The honourable gentleman who spoke last, had attempted to excuse all these actions, by shewing that Mr. Hastings was not the person who first began the interference of the Company with the native princes, nor the influence which it had obtained in their politics: And that the inconveniences attending the double government of Oude were not to be imputed to him. But, surely, to whatever cause that influence might be, originally, attributed, Mr. Hastings was answerable for the management of it, as long as it was in his hands; and to excuse him on this plea, would be to justify the tyranny by the power; for, though the influence of the Company had given him the power to oppress the neighbouring country, it had not imposed on him the necessity of doing so. The honourable gentleman had attempted to palliate those parts of Mr. Hastings's conduct, by stating, that if he were guilty, he was so in common with the rest of the Council; but this, if it were the case, was by no means a sufficient excuse for him, nor could it be a reason with the House for dropping the impeachment, for his having accomplices in his crimes could be no exculpation; and it would be highly derogatory to the honour of that House, if they were to say—"No: we will not bring the delinquent to justice, because there are a number of delinquents besides him." Nor would this be a [illegible]

ſon even for impeaching the reſt; for it was by no means adviſeable to multiply examples—the proper way was, to ſelect ſuch as, from their exalted and oſtenſible ſituations, were the more likely to become an effectual example. But, it was impoſſible to juſtify Mr. Haſtings on ſuch a ground as this, even if it were tenable at all; becauſe a conſiderable part of thoſe enormities with which he was charged, were committed at a diſtance from his council, and when he was entirely out of the reach of their advice or control.

In the articles of the contracts, there were ſome glaring inſtances of breach of orders, and of improvidence and profuſion, which, though not of ſo heinous a nature as thoſe he had before mentioned, were ſuch as called loudly for puniſhment. But there was another charge which he was aſtoniſhed to find the gentlemen who defended Mr. Haſtings could treat ſo lightly, as it was one which appeared to him in itſelf ſufficient to juſtify the impeachment, though it had ſtood alone, and was of ſuch a nature as, in a peculiar degree, called for the interference of that Houſe. This was the charge of taking preſents, which, in every light it could be conſidered in, whether as a direct breach of the law which appointed him, a poſitive evidence of corruption, and a degradation of the character of his employers, was a great and heavy accuſation; and as to the excuſe which had been offered, that he had received thoſe preſents for the uſe of the Company, even *that* was criminal in a degree. But, for his part, he could not accede to the opinion either that he had received thoſe ſums with an intention of applying them to the ſervice of the Company, or that he had actually applied them all in that way; for, had this been his intention, he would have kept ſuch accounts, and made ſuch immediate communications of them, as ſhould clearly prove that it was ſo. But, no ſuch accounts were produced, no ſuch communications were made; and there were, beſides, circumſtances attending ſome of them, that proved they muſt have been received with a corrupt intention. As an inſtance of this, he ſhould mention the preſent Mr. Haſtings had received from Kelleram, which was attended with the moſt ſuſpicious of all circumſtances, namely, that this very perſon was at the time in treaty for a diſtrict of land belonging to the Company, and no queſtion could be entertained, but he gave the money in order to obtain a favourable bargain; ſo that had *this* been done for the Company, it was a moſt unjuſtifiable and impolitic method of managing their concerns; for, in that caſe, it ſhould have been negociated openly in the nature of a fine, and not privately as a bribe, in which latter light alone it ought to be conſidered. Upon the whole, Mr. Pitt concluded with declaring, that the Houſe could no otherwiſe

conſult

consult their own honour, the duty which they owed their country, and the ends of public justice, than by sending up the impeachment to the House of Lords.

Mr. *Martin* declared himself a friend to the impeachment, after the facts in the several charges had been so fully established. He said, that if any gentleman would move that a retribution should be made to those persons from whom sums of money had been exacted, he would second the motion. Mr. Martin.

Lord *Mulgrave* declared, that as he had voted against the question on every charge, excepting that only relative to the presents, he must, for consistency's sake, vote for the worthy Alderman's motion. Lord Mulgrave.

Mr. *Burgess* said, he did not mean, after so many gentlemen had delivered their sentiments on this subject, particularly the honourable gentleman behind him, who, from having filled the post of chairman of the East India Company, must undoubtedly carry with him the greatest weight of any man in this assembly, to engage the attention of the House with any argument of his own; though he professed himself to be ready at any time to disprove the propositions of the right honourable the Chancellor of the Exchequer, particularly those relating to State necessity, the proofs of the Begum's rebellion, and the true construction of the regulating act of the latter, he had on a former occasion delivered his decided opinion, to which he would now adhere; as to the others he would only say, and he was able to prove it, if ever State necessity existed, it did exist in the business of Cheit Sing and in the tumults in Oude; and if ever there was a positive proof of a fact, there is positive proof that the Begums were in open rebellion. Mr. Burgess.

He rose now, merely to lay before the House a most important paper, highly deserving of attention. A noble Lord had just told us what were the sentiments of the natives in India towards Mr. Hastings; this paper would prove what were the sentiments of the Europeans. He had purposely kept it back till this period of the business, that the House might proceed to their decisive vote with the recollection of it fresh in their minds.

Six months after Mr. Hastings' return to England, the officers of the Bengal army, which consists of seventy thousand men, met together and drew up an address, which they presented to him. He was then a private individual, no longer possessed of power, no longer able to bestow favours. They had nothing to hope from his protection, nothing to fear from his displeasure. This address, signed by upwards of six hundred of the principal officers of that army, Mr. Burgess said he now held in his hand, and with the permissi-

on of the House, would read, as part, or rather the whole of his speech.

To the honourable Warren Haftings, Efq.

SIR,

We whose names are hereunto fubfcribed, officers of the Bengal army, with profound refpect, and moft perfect efteem, take the liberty of addreffing you on your departure from amongft us.

Many of us, as citizens, have already figned the general addrefs, which was projected, prepared, and figned in the fhort fpace of thirty hours, and prefented to you on the morning of your departure, with the fignature of near three hundred of the principal perfons of the fettlement; to which large additions have been fince made, and ftill are adding.

But it was judged, that an addrefs from the officers of the army, in their collective capacity, after you had left the fettlement, would more fully demonftrate to yourfelf, and to all the world, how very dear you were to them as foldiers; and afford them an opportunity of recording the caufes of their efteem, by a recital of the events which produced it.

We all know, Sir, either by having feen it, or by having heard it from thofe who were on the fpot, that you have been very near thirteen years at the head of this fettlement; that you came to the chair as governor, immediately after the moft dreadful calamity that ever befel a people; and found the country much depopulated, the treafury empty, and a moft enormous debt contracted; that the plans which you fo judicioufly laid when governor, were afterwards carried into execution by the Governor General and Supreme Council, of which you have hitherto been the head; and effected a difcharge of the debt, filled the treafury with cafh, and reftored life and union to the country; that, during this period, the government was convulfed by jarring interefts and unufual oppofition; but neverthelefs you maintained your poft, with dignity to the ftate, with honour to yourfelf, and confufion to the enemies of our country: that the natives, taking advantage of what they fuppofed a divided government, entered into a confederacy to deftroy the influence of the Englifh in India, and to fet up that of the French, who fecretly promoted the union, and afterwards joined in league with them, that all thefe efforts were baffled, and India preferved to us by your firmnefs and the vigour of your government; from which an expedition planned by yourfelf was fent forth, and an army under General Goddard traverfed regions unknown, from the eaft to the weft of India; and in fight of the difafters which befel them who were to co-operate, reached the coafts of Surat, and conquered provinces from the powers at war with our nation.

It

It is also well known, that, in the midst of this scene of trouble, the French and Spaniards, and afterwards the Dutch, joined to attack us; and were aided by the late Hyder Allee, who, before the Dutch war, invaded the Carnatic, defeated the English in battle, and reduced to his obedience the whole of that country, except Madras and Vellore, and some few paltry forts in the neighbourhood of the presidency; that, when all men considered the state of the Carnatic to be desperate, you rose to rescue them from impending ruin; and, though Bengal was threatened with invasion, nobly resolving to meet the enemy at a distance, you sent out two detachments, which gave strength and vigour to the army under Sir Eyre Coote; thereby saved the British possessions in that part of India, and reduced the enemy to conclude an honourable peace, without the smallest loss of territory; and lastly, that the armies serving at a distance were paid, fed, cloathed and armed by the exertions and resources of your government.

Thus, Sir, under your administration, have the united efforts of our numerous and powerful enemies been frustrated; and India, by the conquests then made from the European powers, has afforded the means of redeeming what the nation lost to them in every other part of the globe.

We therefore intreat you to accept this just and grateful tribute of our praises, and our warmest thanks, for having opened the paths which led to glory, and afforded to the Bengal army the means of acquiring honour, and of being serviceable to the state at large.

Permit us now, Sir, to express our feelings on your departure. Time and the contemplation of your illustrious actions created an esteem which is deeply rooted in our hearts; and a sorrow at losing the man whom we considered as the father of the settlement, is, as it ought to be, great and poignant. We must therefore seek for consolation, in our hopes that you are going to receive those honours and rewards, which are due to superior merit; and with united voice, we pray that such may be the event.

Major *Scott* said, I rise, Mr. Speaker, to offer a very few observations upon some things that have fallen in the course of the debate, but without a wish to go into a minute detail of the articles at this late hour of the night. The right honourable gentleman below me (Mr. Pitt) has said, that if the necessity for the confiscation of the Begums' treasures were proved, it would be a complete justification. Considering, Mr. Speaker, the mass of papers that I have been under the necessity of moving for, it is not at all surprising that many of them remain to this hour unperused; but if ever there was a point so fully proved, that no man of common sense can entertain a doubt of it, the papers in my hands prove the necessities Major Scott

cessities

ceſſities of the government of Bengal, at the period in which Mr. Haſtings authorized the ſeizure of the Begums' treaſures. Theſe papers prove that we had at that time five armies in the field, each many months in arrears, without a probability of theſe arrears being paid off, and Lord Macartney's letter to Mr. Anderſon proves the deſperate ſtate of our affairs in the Carnatic. An army largely in arrears, no money in the treaſury, a French fleet and a French army hourly expected, and the ſupplies from Bengal, liberal as they were by no means adequate to their expences. This, Sir, was our ſituation in every part of India. The Company's intereſts ſinking, as Mr. Haſtings truely ſaid, in every quarter, and only to be preſerved by ſtrong meaſures exerted with a ſtrong hand. I hope, Sir, I am neither a ruffian nor a robber, but I proteſt to God, the circumſtances were ſuch, that had I been the Governor General, I think they would have juſtified me in plundering a Moſque, or rifling a Zenana. After having recited what the ſtate of the Company's affairs was, and the papers on your table prove it in its fulleſt extent, I now aſſert, that Mr. Haſtings never has uſed, and that he never thought of uſing the plea of neceſſity, it would have borne him fully out, but he had another. The article of impeachment ſtated very truly that the Nabob Vizier had often wanted to ſeize his mother's treaſure, but was prevented by Mr. Haſtings, but in 1781, when the Begums had acted in ſuch a manner as to juſtify Mr. Haſtings to his own conſcience in withdrawing the Company's guarantee, he did it, and by doing it, he permitted the Nabob to do that which he ſo long had wanted to do, and the Company's diſtreſſes were relieved. That the Begums had afforded aſſiſtance to Cheyt Sing, was a fact of the moſt public notoriety. Mr. Markham has told you, at your bar, that he believed it as fully as he did the exiſtence of the American war, and I do declare, Mr. Speaker, upon my honour that I have converſed with thirty gentlemen, who all aſſert the ſame thing, and will depoſe it at the bar of the other Houſe. The error Mr. Haſtings committed in my opinion was this—inſtead of acting upon the univerſal notoriety of the fact, he wiſhed to make aſſurance more ſure, and affidavits were taken to ſatisfy, not himſelf, but the people in England, who had not the ſame means of information that he had. I therefore repeat, Sir, that though Mr. Haſtings does not uſe the plea of neceſſity, there never was a period in which the neceſſities of any ſtate were ſo urgent as when thoſe treaſures were ſeized, and I now pledge my credit in this Houſe, and to my country, that it will come out in proof, we owe the preſervation of India in 1782 to the ſeizure of the Begums treaſures.

I, ſome

I, some time ago, moved in this House, for copies of any complaints that might have been sent home against Mr. Hastings, from Fyzulla Cawn, Muzuffer Jung, the Nabob Vizier, or any of his subjectes, and the return to this order was, two letters from the former, saying, that Mr. Hastings's kindness to them had been very great, and expressing a hope that his successor would be equally kind to them. The answer from the Nabob was, that he had sent an agent to England, to represent to the Directors, that he hoped there never would be any deviation from the agreement his dearest friend, Mr. Hastings, had concluded with him; yet these are the men he is accused of treating so ill. An honourable gentleman, (Mr. Martin) for whom, though we do differ in opinion, I entertain the greatest respect, has said, that if any person would make a motion to afford retribution to those who have been injured by Mr. Hastings, he would second the motion. If I thought as that honourable gentleman does, I would wait for no man to make the motion—I would satisfy my conscience, and make it myself. I would stand up for the dignity and honour of the House of Commons of Great Britain, which will be rendered infamous to all posterity, which will become the scoff and scorn of Europe, if it pronounces certain acts of Mr. Hastings to be wrong, if it impeaches him for those acts, and basely and meanly benefits by his misdeeds. Mr. Hastings is accused, in the charges before the House, of accumulating, for the East India Company, nine millions and a half sterling, by acts of oppression and injustice. A right honourable and learned gentleman, (Mr. Dundas) in his first Indian speech made in this House, when I sat in the gallery, accused the Directors of finding fault with their servants for the means they took to procure money, but (he added) they were always very ready to take the money. He opened his Indian budget two days ago, and I confess it was a *proud* day; but the right honourable gentleman took credit for every sum that Mr. Hastings had acquired. If these charges were true, will a British House of Commons permit Cheyt Sing, who is stiled a Prince, to be a fugitive through Hindostan? Why do they not restore him, and pay him the 123 lacks we have taken from him? We never could have got the hundred and thirty lack the Nabob Vizier owed us in 1781, except by the seizure of the Begums treasures—so with the Nabob of Bengal—the King Shaw Allum—the sale of Corah and Allahabad, and the presents. All these acts have procured for the Company nine millions and a half sterling; I think them all justifiable, politic, and wise—but, if I thought otherwise, I should conceive myself as infamous as the Corrigidor in Gil Blas, who punished the robber for stealing a bag of a thousand doubloons,

loons, but instead of restoring the money to its right owner, appropriated it to his own use; and, therefore, I repeat, Mr. Speaker, that this House will record its own infamy to all Europe, if it punishes Mr. Hastings for acts done for the public good, and does not make retribution to the injured parties; but, not one word upon this subject have I heard except from one honourable member, who has engaged to second the retribution money. The right honourable gentleman (Mr. Pitt) has said, that the present made by Kulhan Sing and Kallaum to Mr. Hastings, has the strongest marks of corruption. Fortunately, Mr. Speaker, there are papers upon the table, which most fully explain this transaction. If Mr. Hastings had let the lands to these men at a lower rate, than they had formerly been let out to farm by the provincial councils, there might have been grounds to suspect him of corruption; or if, after letting them at a higher rate, he had suffered large balances to remain, and had not exerted himself to recover those balances, there might have been ground also to suspect him of corruption. But you have it in evidence upon your table, that the collections under these men exceeded the collections under the provincial councils, by the sum of one hundred and twenty-six pounds in three years. You have it also in evidence, that Mr. Hastings, so far from interfering in favour of these men, enjoined Mr. Anderson to proceed against them with the utmost strictness. You have it also in evidence, that Mr. Hastings told Mr. Anderson he had accepted the money from them, not on his own, but upon the Company's account. I, therefore, repeat, that you have no ground whatever to suspect Mr. Hastings of corruption; nor have you any evidence at all of his receiving money, except what he himself has been eager to lay before you. And you have it also in evidence, that every rupee was faithfully appropriated to the public service; nor can I, on this occasion, attempt to remind the House what a right honourable and learned gentleman (Mr. Dundas) once said, that God knew how or where Mr. Hastings got money during the war, but he did contrive to get it, and by so doing he saved India.—I shall not detain the House with a more accurate examination of the articles, but as the scene of three of them is laid in Oude, I beg leave to read an extract from the latest letter that could have been received from thence. It is dated Lucknow, the 30th of October last, and given to me this morning by a physician of great eminence in this town, who received it by the Swallow, and it will shew the House what the natives of Oude think of these charges:

"I have read with indignation the voluminous and malignant charges against Mr. Hastings. The opinions I suppose of impartial men in England, must be the same as "those

" those of the like description in this country: that he was " a great man who acted zealously, and in arduous situa- " tions, for the interest of his employers—and wish him to " triumph over his present persecutors. It appears, that at " least one third of the charges respect this place; and I can " bear witness in what estimation, I had almost said ado- " ration, his name is held here, from the Vizier down to " the lowest of his subjects capable of judging. They love " him for the amiable affability of his present manners; they " revere the justice and moderation of his public character, " particularly during the latter years of his government, and " they are struck dumb with astonishment at his disinterest- " edness; for, I can say it from the highest authority, that " he would not even permit his current expences to be de- " frayed whilst he was here, but quashed, with the most for- " bidding dignity, every idea of pecuniary emolument to " himself. The affair of the Begums will, perhaps, have " the worst appearance in the eyes of the people of England; " but the case was simply this—That the wealth they pos- " sessed was the family fortune of the Nabob, which, agree- " able to the custom of India, was a deposit with the women " of his family; and whatever tenderness might be shewn " during their lives, it was really and actually his property, " and could belong to no one else. This dead hoard was ac- " cordingly, in a case of exigency, such as threatened the " existence of the English in Hindostan, and of course of " their ally, demanded, not as a contribution upon the " Vizier, or as a loan extorted from him, but merely to li- " quidate his debt to the Company, and was faithfully ap- " plied to the purpose, and was so seasonable a relief, that " the public credit of the Company was saved by it. This " was all that Mr. Hastings did; the violences used in the " detail of the business ought not to be charged to him."

Mr. Young

Mr. *Young* observed, that as, during the course of the preceding session, he had moved, that the word *impeachment* be a part of the motion, with a view to shew gentlemen the great length to which they were proceeding, and by way of expressing his disapprobation of the mode adopted, of exhibiting separate and distinct charges, and then ultimately making the accumulated *quantum* of criminality resulting from the whole, the ground of impeachment, he should wish to withdraw, and not to vote at all, though he did not hesitate to declare, that after what had passed, neither the honour of that House, nor the honour of Mr. Hastings could be cleared, without their carrying the articles up to the House of Lords.

Sir Philip Jennings Clerke.

Sir *Philip Jennings Clerke* spoke against the amendment, and

and for the second reading of the report, with a view to forward the impeachment.

The House divided on the *now* standing part of the question, when the numbers were, ayes (for the report's b[illegible]g *now* read a second time) 175. Noes 89.

Major Scott

Major *Scott* said, that he had several observations to [illegible]ke on the different articles, but he was not prepared at [illegible] hour. He therefore wished the House to adjourn the [illegible]er consideration of the report.

Mr. Fox.

Mr. *Fox* observed, that he had no objection to co[illegible]o having the first article read and [illegible], and then p[illegible]g the farther consideration of the [illegible] articles [illegible] port, in order to give the honourable gentlem[illegible] make his observations, provided that every gen[illegible] and distinctly understood, that as soon as th[illegible] been put upon each article, the decisive que[illegible] ment would come on.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* rose, and remarked, [illegible] came to the article containing some facts wh[illegible] when the charge was under separate and distinct dis[illegible] stated his reasons for not adopting, he would then urge [illegible] objections, and if they were over-ruled, he would not vote at all upon that article; but that he should nevertheless vote for the general question of impeachment.

This being so adjusted, the first article was read and voted. After which, the remainder of the report was adjourned for farther consideration upon the morrow.

Lord Frederick Campbell.

Lord *Frederick Campbell* (according to order) reported from the Committee of the whole House, to whom it was referred to consider of the several accounts and papers which were presented to the House upon the 27th day of April last, by Mr. Morton, (from the Directors of the East India Company,) and also, of the four accounts, No. 38, 39, 40, and 41, which were presented to the House, by the said Mr. Morton, upon Wednesday last; the resolutions which the Committee had directed him to report to the House, which he read in his place, and afterwards delivered in at the table, where the same were read, and are as followeth, viz.

Resolved, "That it appears to this Committee, that the "sum total of debts owing by the East India Company, in "their different settlements in the East Indies, and of sums "for which bills have been granted, payable on the Court of "Directors at home, in pursuance of their orders of the "15th day of September, 1785, amounted, according to the "latest accounts received in England, to the sum of nine "crores twenty-six lacks forty thousand one hundred and "sixty two current rupees."

Resolved, "That it appears to this Committee, that the sum

"sum total of the said debts, bearing interest, amounted to "seven crores fifty three lacks seventy-nine thousand seven "hundred and sixty-one current rupees."

Resolved, "That it appears to this Committee, that the "annual amount of interest payable on the said debts in India, before bills had been granted for any part of the "same, was sixty-three lacks, seventy thousand two hun- "dred and fifty current rupees."

Resolved, "That it appears to this Committee, that the "annual revenues of the East India Company, in the pro- "vinces of Bengal, Bahar, and Orissa, and from Benares and "Oude, under the heads of mint or coinage duties, post- "office collections, Benares revenue, Oude subsidy, land re- "venues, customs, and the receipts from the sales of salt "and opium, amounted, on the average of three years, from "1781-2 to 1783-4, to the sum of five crores two lacks "twenty-five thousand five hundred and fifty current ru- "pees."

Resolved, "That it appears to this Committee, that the "annual revenues of the East India Company, in the pro- "vinces of Bengal, Bahar, and Orissa, and from Benares and "Oude, under the same heads for the year 1786-7, are esti- "mated, by the Governor General and Council of Bengal, "to amount to the sum of four crores ninety-five lacks "twenty thousand two hundred and forty-four current re- "pees."

Resolved, "That it appears to this Committee, that the "annual charges to be defrayed by the East India Company, "in the provinces of Bengal, Bahar, and Orissa, and in Be- "nares and Oude, under the heads of civil, military, and "marine, the charges of collecting the revenues and cus- "toms, and the advances and charges on account of salt and "opium, for the year 1786-7, are estimated by the Gover- "nor General and Council of Bengal, to amount to three "crores five lacks fifty-seven thousand four hundred and "eighty-seven current rupees; and that the annual charge "defrayed by the said Company, under the head of build- "ings and fortifications, amounted, on the average of three "years, from 1781-2 to 1783-4, to seven lacks current ru- "pees, making together three crores twelve lacks fifty- "seven thousand four hundred and eighty-seven current ru- "pees."

Resolved, "That it appears to this Committee, that the "annual revenues of the East India Company, at the Presi- "dency of Fort Saint George, and the settlements subordi- "nate thereto, and in the Carnatic and Northern Circars, "under the heads of mint or coinage duties, sea or land cus- "toms, subsidy of the Nabob of Arcot and Rajah of Tan-

" land revenues, and farms, and licenses, amounted,
" an average of three years, from 1
" sum of twenty-three lacks ninety- thousand
" dred and twenty-nine pagodas."
Resolved, "That it appears to this Committee, that the annual revenues of the East India Company, at the Presidency of Fort Saint George, and the settlements subordinate thereto, and in the Carnatic and Northern Circars, under the same heads, for the year 178 -7, is estimated, by the Governor and Council of Madras, to amount to twenty-six lacks seventy-two thousand eight hundred and seventy pagodas."
Resolved, "That it appears to this Committee, that the annual charge, to be defrayed by the said Company, at the Presidency of Fort St. George, and in the Carnatic and Northern Circars, under the respective heads of civil, military, buildings and fortifications, and the charges of collecting the revenues and customs for the year 1786-7, is estimated, by the Governor and Council at Madras, to amount to twenty-four lack seventy thousand nine hundred and seventy two pagod ."
Resolved, "That it appears to this Committee, that the account, now before the House, of the amount of revenue received by the East India Company, at the Presidency of Bombay and the settlements subordinate thereto, for the three years, from 1780 1 to 1782-3, does not distinguish how much of the same arose from revenues still in the possession of the East India Company."
Resolved, "That it appears to this Committee, that the annual revenues of the East India Company, at the Presidency of Bombay and the settlements subordinate thereto, under the heads of land revenues, customs, and farms or licenses, for the year 178 -7, are estimated, by the Governor and Council of Bombay, at eleven lacks, forty-one thousand seven hundred and thirteen rupees."
Resolved, "That it appears to this Committee, that the annual charges to be defrayed by the East India Company, at the Presidency of Bombay and the settlements subordinate thereto, in the year 1786-7, are estimated, by the Governor and Council at Bombay, at forty-five lacks of rupees, but that the same are not properly distinguished into civil and military, and are also supposed to include some arrears."
Resolved, "That it appears to this Committee, that the annual revenues of the East India Company, at the Presidency of Fort Marlborough and its dependencies, arising from customs, farms, and licenses, amounted on an average

" of

" of three years, from 1782-3 to 1784-5, to the sum of ten " thousand six hundred and seventy-six Spanish dollars."

The House adjourned.

*Thursday, 10th May.*

The House upon motion proceeded to take the remaining articles (of impeachment against Warren Hastings, Esq.) of the Secret Committee into consideration, and when they came to the articles relative to the princesses of Oude,

Major Scott — Major *Scott* said, he did not mean at all to trouble the House with objections to the articles, but there was one objection, in point of fact, to the second article, which he could not help taking notice of; it was in proof before the House, both by *viva voce* evidence and by undisputed records, that every thing asserted relative to the women in Khord Mahal was a most palpable and ridiculous misrepresentation; that not only Mr. Hastings, but no Englishman, Irishman, or native of Scotland had the smallest connection, directly or indirectly, at any time with the women of the Khord Mahal. As this assertion must be so completely disproved before the Lords, he submitted it to the gentlemen on the other side of the House, whether they would choose to insert such nonsense in their charge: as for Mr. Hastings, he was clearly ignorant of the whole proceeding—but he stood up for the honour of every subject of Great Britain, when he said that no person connected with our government was accountable, directly or indirectly, for the good or ill government of the women of the Khord Mahal or lesser Zenana.

Mr. Burke — Mr. *Burke* observed, that he believed it was needless to remind the House, that on the preceding day they had heard, from an authority of the first rank, (Mr. N. Smith) of the improper part which Hyder Beg Khan (the minister of the Nabob Vizier) had taken, and he meant to charge Hyder Beg Khan as the instrument of Mr. Hastings in all the criminal transactions in Oude, of which the House would know much more than they were yet acquainted with on the morrow. Hyder Beg Khan had been the black mover of all those black proceedings, at the very mention of which a white face could not but have blushed. Mr. Burke added some other reasons for thinking decidedly that Mr. Hastings was the principal, and Hyder Beg Khan the immediate agent of all the acts of oppression and corruption committed in Oude, and gave notice that he would act upon that sentiment, and make it matter of charge against Warren Hastings, Esq.

Major Scott

Major *Scott* said in reply to Mr. Burke, that he would push the matter no farther; but when the right honourable gentleman failed in all his proofs, as he knew he must, he hoped the House would recollect all that had passed on that day, and as he now saw an honourable gentleman (Mr. Courtenay) in the House, who had related some circumstances relative to Colonel Camac, (the Major said) he was ready to lay before the House, in a letter written by Colonel Camac himself, the fullest proof that the honourable gentleman had asserted what had not the smallest foundation in fact: the subject, it was true, was of no great consequence; but he pledged himself to prove, from letters written by Colonel Camac himself, that there was not the smallest foundation for one single assertion that the honourable gentleman had made relative to Mr. Hastings' treatment of that officer.

Mr Courtenay.

Mr. *Courtenay* rose and said, he would not lightly state a fact of importance to the House, and declare it to be authentic, unless he was persuaded himself that it was well founded: he had heard the particulars of the anecdote; the gentleman he alluded to was well known (he believed) to many persons in that House, and universally respected by all who knew him; he meant Mr. John Smith: that gentleman had in his presence declared, that Lieutenant Colonel Camac had taken the command of the troops at the instance of Mr. Hastings; that he had, by dint of superior vigilance and activity, surprised Madagee Scindia's camp, taken all his artillery, and made a great number of his forces prisoners; that Madagee Scindia in consequence sent two Vakeels with propositions of peace extremely favourable to the British interest in India; that Lieutenant Colonel Camac immediately transmitted the propositions to Mr. Hastings, and instead of receiving any answer to the point, Colonel Muir was sent out to take the command from Lieutenant Colonel Camac, which was, he believed, the first instance of rewarding a successful commander by depriving him of his command. Mr. Courtenay added, that Colonel Muir was afterwards defeated by Madagee Scindia, and a dishonourable peace ultimately obliged to be made.

On the question (moved by Mr. Burke after the articles of impeachment were all read, amended, and agreed to) "that Warren Hastings, Esq. be impeached of high crimes "and misdemeanors,"

Mr. Sumner

Mr. *Sumner* expressed his astonishment, that a gentleman of such high character, acknowledged ability, and received integrity as Mr. Hastings should be the subject of an impeachment: he said, he had been bred up in the habit of regarding that gentleman as a model of perfection, and been

taught by those who for twenty years had run a race with Mr. Hastings in public life, to think that if he could imitate any thing of his great example, he could not fail to make a shining figure in any station to which, by the exercise of his talents, or by the chance of events, he might be raised. He described Mr. Hastings as a man educated in the idea of filling a place in private life only, but who had, by unforeseen accidents, been exalted to a rank of great dignity and singular power: that, however, his conduct in that dangerous and tempting situation might have rendered him the object of a prosecution carried on in that House, with uncommon virulence, (he had almost said, with unexampled malice) he was regarded by the world in general as a politician possessed of more than ordinary wisdom, and as a statesman eminent for his activity and exertion. The French, he said, to whom Mr. Hastings had certainly, in his public conduct, evinced no partiality, idolized him, and extolled his actions as more than human. Indeed there was scarcely a quarter of the globe, or any place in any district of the divisions of the world, which did not join in his praise and speak of him with rapture, excepting only that House, where he had been debased by joking phrases, run down by ribaldry, and loaded with invective fit only to be applied to the most atrocious criminal after conviction, and by no means worthy to be heard in a British senate engaged in an inquiry, whether there was matter of charge or not against a gentleman who had lately stood in a situation, from its eminence alone, entitled to respect and veneration. Mr. Sumner, after an abundance of praise of Mr. Hastings, of deprecation of his prosecution, and of assertion of his thorough conviction of his complete innocence, concluded with expressing his concurrence in the impeachment, as the only means of rescuing Mr. Hastings from the calumny with which his name was at present loaded.

Major *Scott* rose after Mr. Sumner and said, I will not, Mr. Speaker, presume to detain the House upon the present question; but as I have invariably and conscientiously voted against every article, and as I now mean most heartily to vote for the impeachment, I hope the House will permit me to state very shortly what are my reasons for the vote I now mean to give—I opposed the articles from a complete conviction that they are founded in ignorance and misrepresentation; and in fact the whole of the right honourable gentleman's charges amount to this; that Mr. Hastings by oppression, by injustice and corruption, has obtained for the Company nine millions and a half sterling. I think, Mr. Speaker, that all the acts complained of were wise, politic, and just; but were I of a contrary opinion, could I, as Major Scott

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an honest man, lay my hand upon my heart and vote for the impeachment of Mr. Hastings, while basely and infamously I benefited by his misdeeds? I could not; and how gentlemen who condemn these acts suffer a day to pass without moving retribution to the sufferers, is to me incomprehensible. The articles, however, have been received by the House, and it is asserted, that he has been influenced by corrupt motives in various instances; this being the case, I cheerfully vote for the cause being transferred to that tribunal, where I know the falsity of the charge must be proved by incontrovertible evidence; and it is upon this ground I give my vote. I agree to the impeachment, as the means by which the honour of Mr. Hastings will be fully cleared; at the same time I, with all mankind, express my wonder that after all the calamities this country has sustained, after all the losses she has suffered from the folly or mismanagement of her rulers, the man allowed by all to have been eminently successful, should be the object of prosecution by the Commons of Great Britain in Parliament assembled.

Mr. Burgess

Mr. *Burgess* said, that from the beginning he had taken a decided and open part in this business. He had done so from the firmest conviction that Mr. Hastings had deserved the thanks and gratitude of the country; a tribute which, for his part, he most willingly paid him. That he rejoiced to think he had throughout the prosecution defended the cause of a great and injured man, and had opposed proceedings which he should ever reprobate as unjust, impolitic, interested and malicious. Other gentlemen might, if they thought proper, vote to-day for the impeachment. He could not follow their example. Consistently with those sentiments by which he had all along been actuated, consistently with the dictates of his conscience, and with his own personal honour, he would oppose the prosecution to its last stage. If a division should take place, he would vote against it; if not, he would instantly quit the House, to avoid being implicated in the guilt and disgrace of the sentence about to be pronounced.

The question was carried.

Mr. Frederick Montague.

Mr. *Frederick Montague* said, that he rose to make a motion, which could not, he conceived, meet with resistance, after what had passed, as it was founded in principles of humanity and justice. Mr. Montague then moved,

"That Mr. Burke, in the name of the House of Commons, and of all the Commons of Great Britain, do go to the bar of the House of Lords and impeach Warren Hastings, Esq. late Governor General of Bengal, of high crimes and misdemeanors, and do acquaint the Lords that "the

"the Commons will, with all convenient speed, exhibit articles against him, and make good the same."

The majority of the House immediately attended Mr. Burke to the bar of the House of Peers, where Mr. Burke solemnly impeached Mr. Hastings in the form above recited.

*Friday, 11th May.*

Mr. *Burke* stood up in his place, and reported to the House, that he had been to the bar of the House of Lords in obedience to the commands of the House, and there, in the name of the House of Commons, and of all the Commons of Great Britain, impeached Warren Hastings, Esq. of high crimes and misdemeanors. Mr. Burke proposed Messrs. Wallis and Troward, as the Solicitors on the part of the House, and took the opportunity of giving notice, that, at the instance of some persons of considerable importance in that House, he should move to discharge the order which stood for this day, for taking into consideration the charge relative to the misdemeanors in Oude, which he meant to bring forward, when he should be extremely short, unless the criminality of the conduct of Mr. Hastings, which in his opinion appeared upon the face of the charge, should be denied, and in that case he should feel it necessary to go somewhat at length into explanation. Mr. Burke.

Upon the question for reading the report of the callico printers' bill,

Mr. *Dempster* opposed it, as likely to prove injurious to the revenue. He contended, that though individual members of Parliament were not officially called upon to propose measures for the increase of the revenue, it was nevertheless their duty universally to do all in their power to prevent any measure from passing into a law which probably might tend to its diminution. Mr. Dempster.

Alderman *Newnham* defended the bill as fair, liberal, and just, since it held out protection to skill, ingenuity, and invention, with an equal hand, and made no distinction in favour of any particular place, or any particular party. Alderman Newnham.

The House divided, Ayes, 78; Noes, 14.

Mr. *Grey* gave notice of his intention, upon an early open day, to bring forward a motion relative to certain abuses which prevailed in the Post Office. Mr. Grey.

The order of the day for the third reading of the post-horse tax farming bill being moved and read, the Speaker put the question, when

Mr. *Jolliffe* observed, that he conceived it to be his duty to oppose the progress of the bill in every stage, and that although it had been before debated, he could not avoid again Mr. Jolliffe.

stating his objections to the principle. It was the principle attempted to be established, and not merely the bill, which was the object of pursuit. No man who would allow himself a moment's consideration could possibly doubt. One honourable gentleman, a uniform supporter of the Minister, and who was probably much in his confidence, had spoken out manfully, as he always did; he had declared that the letting of the revenue to farm in many instances was the best mode of collection, and ought to be established. This assertion was acquiesced in by the Minister's silence; and Mr. Jolliffe said he would put the matter thus in issue. Would the right honourable gentleman declare that he never would again apply to Parliament for the power to let to farm any other part of the revenue? If he would, this, though in many respects objectionable, might be acceded to; but if he would not, no man could be hardy enough to deny that the principle of letting the revenue to farm was the object sought after; and this was only to try how the House and the Public would relish the attempt. He would therefore contend against the principle, and endeavour to shew that it was not conformable to the generally-received principles of the constitution, and that it went to establish a system of influence, of power and corruption, greater than ever was known to exist in this country. He was well aware that it might be said that the letting the revenue to farm was no direct breach of the constitution, for that it had been practised in former times; but to this he must observe, that he conceived the constitution to depend more on modern than on ancient practice, and that there had been no instance since the reign of Charles the Second of letting any part of the revenue to farm. He did not know whether the present Ministry would chuse to date the æra of the constitution from that reign; but he would go no farther back than the revolution, and from that period to this no Minister had dared even to propose a measure of the kind. To argue that the grant of the cross posts to Mr. Allen had any analogy to this, was a position the most preposterous that could be stated; Mr. Allen was the inventor of that scheme, and he was allowed to farm the experiment, as Mr. Palmer now farmed the carrying the letters by coaches. He was limited to take a definite sum for each letter; no dispute could arise, and if the person to whom the letter was directed did not chuse to pay for it, he did not receive it; but in this case endless dispute and litigation would be promoted. If the principle of letting taxes to farm was once admitted to be a good mode of collecting the revenue, it was equally applicable to any other tax as to this. The letting by bidding, as was proposed in this case, by no means took away the preference, if

any

any was wished to be given; the security of a favoured person might be approved, and those to whom partiality was not to be shewn, might be declared insufficient. There were even in a public letting innumerable ways of forwarding the success of one, and preventing that of another. But admit only the principle of letting the revenue, and it did not follow that a public letting was always to be adhered to; it might, if it accorded with the inclination of the Minister, be said, more might be obtained by private than by public agreement, and that the Minister of finance is to make every tax as productive as possible, by such means as appear to him best. Such reasoning, added Mr. Jolliffe, opens a door for corruption, and jobs of every description; and there is no influence that can be practised on an individual, nor any pillage of the public treasure that is not liable to be established upon this maxim. There is no length of time to which it may not be argued as adviseable to extend the contract, nor any sum, however low, at which it may not be stated, that a new tax ought to be let. One observation as to this particular tax, he said, that he must make: the very foundation on which the bill was built, namely, that the tax was evaded, had never been established; the produce had increased annually, and the last year amounted to 114,000 l.; so that the posting of the kingdom must have amounted to 456,000 l., which was as much as could be supposed; and he apprehended as much as could have been expended in that mode of travelling only. That there might be some small evasions, was possible, though he was not able to trace any, but he was sure that those evasions were by no means equal to the money the farmer would gain, over and above what the public treasury would receive. No Minister had ever attempted so bold and dangerous an experiment; no man but the right honourable gentleman, he was sure, had rashness enough to embark in such a scheme.

Mr. *Wilberforce* contended, that it would have been kind and proper in the Minister to have humoured the national prejudices; that the prejudices of the people clearly went against the idea of farming any part of the national revenue; and that as those prejudices were known and avowed, it was the duty of the right honourable gentleman to have adopted his measures accordingly. He remarked that there was an essential distinction between the payment of a tax being evaded by those whom the Legislature intended to pay it, and its being fraudulently holden back from the Exchequer by the Collectors. In the present instance, it was not pretended that the Public did not pay the tax, and, consequently, it was hard to inflict upon their shoulders what Mr. Wilberham.

they confidered as a galling and vexatious mode of collection, where they certainly were not at all to blame.

Sir Richard Hill.

Sir *Richard Hill* obferved, that as he had fully delivered his fentiments in favour of the bill on a former occafion, he would not trefpafs longer on the time of the Houfe, than to exprefs his fatisfaction that the bill was fo near paffing, and to congratulate the Houfe, that the farming a fingle tax had not operated like a raw head and bloody bones, and terrified gentlemen from fupporting a wife meafure, under the idea that it was meant as a prelude to putting the whole revenues of the kingdom out to farm, as was the practice in France. Sir Richard declared that he was at a lofs to account for the eafy way in which gentlemen had made up their minds fince the laft debate. On the queftion for going into the Committee upon the bill, the Houfe had been divided without a fyllable being faid upon the fubject; and as gentlemen were prefent whofe faces he had not feen, either on the firft or fecond reading, or in the Committee, he wondered where they got their intelligence refpecting the bill, unlefs they received it from the poft horfes which brought them to town, and which being parties interefted, had, like Balaam's afs, fuddenly poffeffed the gift of fpeech.

Sir John Miller.

Sir *John Miller* remarked, that it was his defign to have given an opinion upon the fubject of the prefent bill in an earlier ftage of its progrefs; but having now heard the different objections againft it, and being fatisfied in his own mind of their feeblenefs and unfubftantiality, he fhould offer his fentiments upon each of them as they fhould occur to his recollection. But, firft, he fhould take notice of a quotation from Montefquieu, brought forward by an honourable gentleman, in general objection to the farming any part of the revenue, upon the firft day the prefent bill came before the Houfe, which he defired to read as part of his fpeech; and which Sir John having accordingly read, he added, fo far the honourable gentleman (Mr. Dempfter) applies his quotation properly; but had he only taken the trouble to have read the paragraph which immediately followed in the fame page, he would find that it contained the moft powerful argument that had been adduced in favour of the bill now before us, where Montefquieu fays, "I acknowledge it is "fometimes of ufe to farm out a new duty; for there is an "art in preventing frauds, which motives of intereft fug"gefted to the farmers, but which commiffioners never "think of. Now the manner of levying it being once efta"blifhed by the farmer, it may fafely be afterwards entruft"ed to a commiffion." Sir John fubmitted to the Houfe if Montefquieu was not in this place a moft powerful advocate for the prefent bill. He then went on to fay, that the firft objection

objection stated to the bill was, that "no frauds had been "proved to have been committed by the present collection "of the post tax." He had himself frequently asked in travelling to have the ticket in his own possession, which had been always refused him. The same had happened to many of his acquaintance, and he had repeatedly observed postilions pass through turnpikes, without producing, or being called to for a ticket. He had heard at other times the postilion say, "I have forgotten my ticket;" "Well, bring it with you the next turn, said the turnpike "man, that will do as well." Had this not been the case also with almost every gentleman in the House? And did it not hold forth the strongest possible presumption of fraud and collusion?

Another objection was, that "farming the tax would not "increase the present public income." This objection, continued Sir John, stands self-refuted, inasmuch as the tax is to be put up to auction at the highest rate it has ever produced, which may fairly be called playing upon velvet for the Public. The Public cannot therefore lose; it may gain, and its gain will be very considerable; and doubtless the 17,000l. per annum stated from authority to be the price of its collection, will be regarded as nearly an adequate compensation to its future farmers, and men will bid sanguinely, from an expectation of a future advance in this tax, upon account of late treaties and other promising public prospects, as turnpikes have been frequently let so high as to prejudice considerably their takers. It has also been alledged, that "the "farming this tax was an innovation." Generally all modern innovations are modern improvements; and in that light, and in that light only, the proposed alteration appears an innovation. Was not the Reformation an innovation? Is not the present general spirit of toleration through Europe an innovation upon the bigotry and intolerance of Popery? Was not the late consolidation of the Customs and Excise an innovation? Was not the application of a million surplus of the national revenue to the gradual liquidation of our public debt, a very extraordinary and a very unexpected innovation? And, to descend to smaller matters, was not the first introduction of forks which took place in James the First's time an innovation upon the practice of our ancestors, who, till that period, made use of their fingers only at meals? "That it would be a bad precedent." We are not, in these enlightened days, to rummage over old books and musty rolls and records for precedents to do that which shall appear to us to be beneficial to the Public, when such is our object, and within our attainment; if we cannot find a precedent, let us make one which our cotemporaries will approve,

prove; our successors will be obliged to us, and will adopt ours if they like it; if not, they will make one for themselves, and for those who shall follow them. "That it was "unconstitutional;" which is merely saying, that the name of farmer of the revenue is unconstitutional. How is it unconstitutional? In what is it oppressive? Can it be oppressive to continue, as has been hitherto done, to collect the whole of the tax from the Public. The tax itself is exactly ascertained—the bill gives no new powers—it lays no new tax upon the subject—it merely alters the mode of collection of what the Public already pays—it will prevent those abuses which the present Collectors, in consequence of an understanding and connivance with each other, may rob and defraud the Public of for their own emolument—it will have the first and best quality of a tax under the present act; that of taking as little as possible more out of the pockets of the Public, and then it returns into the treasury of the State. In regard to its being a precedent, we have been informed, with much truth, that there are very few branches of British revenue to which farming is at all applicable. So much the worse; for, if this mode proved salutary, commodious, and productive, it were natural to wish to apply it wherever it could be applied advantageously for the Public; however, that not being the case, there is little ground for the present alarm upon the score of precedent. "That this mode of "collection would be oppressive," where the tax is exactly ascertained, and must be paid; and where the laws admit of no discretionary powers, so as to make the farmer his own judge, there can be no oppression—he collects it in mode and quantity just as it is collected at present, and can collect it no other way. In despotic countries, the subject is left to the mercy of the farmers of the revenue, the necessities or extravagance of the Prince oblige him to press and anticipate upon the farmers of this revenue, who make him advances of money upon express condition that he abandons to them all power and authority for the enforcing and collecting the revenue in such manner as shall seem most for their own emolument, and of course the most oppressive to his subjects. Was there any similitude discoverable between the two cases? Surely none the most distant: "that it would increase the "power of the Crown." A curious argument! A few farmers of the post tax, who bid at public auction, under sanguine hopes of benefit, incited, perhaps, by envy and competition for a situation which they may not hold beyond a short limited term, and by which some of them may possibly find themselves losers, will augment the power of the Crown! This objection will endure the test which might be applied to it. The Romans, who rose to the utmost heighths

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of civil and military eminence, adopted whatever they found preferable to their own, in manners and customs, in the arts of war and of peace, amongst the nations with whom they had any kind of intercourse. This, says Montesquieu, was one of the chief causes of their power and prosperity. Great Britain has adopted from the French and Germans, and other Monarchical powers, not only every thing she knows of the art of war, but even the very terms of fortification, and of the military science which we use, and which cannot be otherwise expressed by our own language than in those terms that are foreign to us. We have also had the wisdom to adopt and to make our own, though indisputably the first marine power in the world, many naval improvements from the ships we have captured from France. And our constitution, the very best of which the human imagination could ever form an idea, is a mere selection from the different forms of government known to mankind, from all which we have adopted what was good, and rejected what was bad. Why not then continue to adopt whatever other nations excel in, and leave their abuses to themselves.

Sir *Gregory Page Turner* lamented the necessity that impelled him for a second time to differ from his right honourable friend the Chancellor of the Exchequer, of the good intention of whose measures in general no man, he said, could be more thoroughly persuaded than himself; but the proposed plan of farming the post-horse tax appeared to him to be highly objectionable, as well on account of the unconstitutional tendency of the precedent, as for other substantial reasons. Sir Gregory pointed out the clause allowing the farmers of the tax to vote at elections for members to serve in Parliament, as a clause peculiarly improper, and stated why he entertained such an opinion. Sir Gregory Page.

The House divided, Ayes, 116; Noes, 56.

After the bill had been read, Mr. Jolliffe brought up his clause, which was rejected.

Mr. *Powys* then stated some objections to the clause, warranting the Attorney General to commence suits against parties informed against on the ground of their having acted fraudulently, and expressed his fears, lest that power might be abused, and exercised vexatiously and oppressively. Mr. Powys.

The *Solicitor General* trusted that he could convince the honourable gentleman (Mr. Powys) that his fears were wholly groundless, and that, as in general, it would, from the multiplied periods of the innkeepers' payment of what they collected of the duty, be scarcely possible for them to have any sum of the Public's money to a larger amount than thirty pounds in their hands at a time, it was not in the least The Solicitor General.

likely

likely that any Attorney General should, even if they fel an inclination to harrass the innkeepers with vexations prosecutions, have an opportunity of indulging it.

Mr. Powys. Mr. *Powys* was satisfied, and did not press his proposed alterations.

The bill then passed.

The House adjourned.

*Monday, 14th May.*

Capt. Macbride. Captain *Macbride* signified his intention of deferring his motion relative to seamen, on account of the very great importance of the object, which rendered it improper to be brought on at so very advanced a period of the session, and the more especially considering that the papers for which he had moved, had not been all of them delivered until the preceding Friday.

The order of the day having been moved and read, for the House to take into their farther consideration the resolutions of the Committee on Indian affairs,

Mr. Hussey. Mr. *Hussey* observed, that he would not have given that House any trouble upon the subject could he have resisted his wishes to state a few observations relative to the amount of the Bengal debt, founded upon Earl Cornwallis' letter, which (he thought) very plainly proved, that Monday last had not been that proud day for this country which the right honourable and learned gentleman had represented it. Mr. Hussey declared, that he had read Earl Cornwallis' letter with great attention, and that it gave a very clear and fair account of the state of affairs in India, but that it was obviously written with great caution, to guard against its being considered as conveying a very favourable impression of the state of affairs in that quarter. Mr. Hussey proceeded to argue from figures as they stood in Earl Cornwallis' letter, that the amount of the debt of Bengal was much more than Mr. Dundas had stated it to be. He contended, that it was nine crores of rupees, or nearly nine millions of money, exclusive of the sum which Mr. Dundas had supposed was to be deducted from it, on account of part of the debt having been paid off in the course of the past year. After stating the grounds on which he formed this opinion, Mr. Hussey asserted that he could by no means agree, that the statement of the true situation of affairs in India made a proud day for this country, but very much the contrary.

Mr, Dundas Mr. *Dundas* complimented Mr. Hussey on having done what was his undoubted duty as a member of Parliament, to examine scrupulously every account or statement laid before that House, and to object whenever he thought he

ſaw a juſt ground of objection. But, in his ideas, relative to the debt of Bengal, he could not (Mr. Dundas ſaid) help thinking the honourable gentleman miſtaken. Mr. Dundas then went again over that part of his former argument which referred to the debt of Bengal, and maintained that he had ſtated it fairly, when he had before fixed it at conſiderably leſs than nine millions.

Mr *Francis* obſerved, that his objection to an article in the Bengal eſtimate of 1786-7 was this: That the charge of collecting the land revenues ſtated only Sicca rupees 39,82,688: whereas he found that, by the laſt actual account received, namely that of 1783-4, the ſame charges were ſtated, as incurred, to be Sicca rupees 71,29,094 That he was too well acquainted with eſtimates, to place any confidence in them, eſpecially againſt actual accounts. That, therefore, it appeared to him that the eſtimate underrated the charge to the amount of the difference between the above two ſums. The anſwer of a right honourable gentleman (Mr. Grenville) which he had accompanied with many expreſſions of his admiration of his (Mr. Francis') ignorance and ſuſpicions of his veracity, was to this effect. That the charges of collecting of the land revenue in 1783-4 included the charge of collecting the government cuſtoms, and alſo all the ſtipends, &c. payable by the reſident at the Durbar, which two articles are ſtated in the eſtimate of 1786-7, at Sicca rupees 22,30,613; and that if he would add but the four ſums, of which the charge under the head of revenue department is compoſed, he would find that they amounted to his own ſum of 71 lacks, odd thouſand Sicca rupees. Now the fact on which he (Mr. Francis) received from the three miniſters who govern India, the groſſeſt contradiction, was this, the charges of collection do not include either the government cuſtoms or the ſtipends, nor ever did. To prove this, he produced the eſtimates of 1784-5, which contain a diſtribution or particulars of the whole charges of the revenue department, viz.

Mr Francis

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| 1. Charges Collection- - - | S. R. | 71,63,236 |
| 2. Reſident at the Durbar - - | | 20,80,000 |
| 3. Committee of Cuſtoms - . | | 4,75,000 |
| Total | | 97,18,236 |

Whereas the three India miniſters, by the mouth of the right honourable gentleman (Mr Grenville) formally and deliberately aſſured the Committee, that the two laſt articles were provided for in the firſt. The concluſion was, that, in ſo material an article as 750,000l. charged for the collection of a land tax, which hardly neats two millions, they did affirm that this charge included a ſum of 250,000l. which it did not include.

Mr Dundas Mr. *Dundas* anſwered, that the honourable gentleman now held a different argument from that which he had maintained before, for, he had ſaid, on Monday ſe'nnight, that which, if he had repeated it then, he ſhould have contradicted as fully and exactly in the ſame manner as before. How was it poſſible (Mr. Dundas aſked) that he ſhould be miſtaken when he had held in his hand his own letter containing the very ſtatement to which he had referred? He read an extract from that letter to the Houſe to convince them of the propriety of his former argument.

Mr Francis Mr. *Francis* replied, that the right honourable and learned gentleman (Mr. Dundas) in eſtimating the future land revenue of Bengal, took it upon an average of the collections of three years, viz. 1781-2, 1782-3, 1783-4. But, to this mode he ſhould object becauſe it was unfair to go back to thoſe years, and paſs by the two laſt years, viz. 1784-5 and 1785-6, in which the collections had fallen ſhort of thoſe of the preceding three. The anſwer was, that they had no accounts of the two laſt years. Why not? What ſort of rule and diſcipline was exerciſed over the government of Bengal, if it became true that the India Company, on the 7th of May, 1787, had no account of the collection of the revenues of Bengal, later than to April 1784? But, in fact, there was an account, though not the regular one, yet ſufficient for the preſent purpoſe. By this account, ſigned by the auditor of Indian accounts, it appeared that the groſs

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| Collections of the year ending in April 1785, were - - - | S. R. | 250,42,381 |
| Ditto for 15 months ending 31ſt July 1786 | | 245,42,103 |

If, therefore, the ſum be deducted for charges collection, which they amounted to in the preceding year, viz. 71,29,094 Sicca rupees, the neat collections of the two laſt years muſt ſtand thus:

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|---|---|
| One year of twelve months to 30th April 1785, | 1,79,13,287 |
| One year and three months to the end of July 1786, deducting 15 months charge, - | 1,46,30,741 |
| Whereas the Bengal eſtimate of 1786-7 promiſes a neat receipt of - - - - - | 2,14,43,617 |

| | | |
|---|---|---|
| Thus—Groſs collections, eſtimated at S. R. | | 2,83,79,420 |
| Deduct, allowed for balances, - | 20,00,000 | |
| Ditto, charges collection, - | 39,82,688 | |
| Ditto, Adawlets, - - - - | 9,54,115 | |
| | | 69,36,803 |
| | | 2,14,43,617 |

Mr Chancellor *Pitt* recapitulated what had been, as he understood them, the argument of the honourable gentleman, and the answer of his right honourable friends on Monday se'nnight, and contended that, on each of the two points to which the honourable gentleman had referred, he had been completely answered, and told that the expence of Durbars, courts of Adawlet, &c made a part of the charges of collections

Mr. Chancellor Pitt.

Mr *Hussey* read some few extracts from Earl Cornwallis' letter, by way of illustrating his former reasoning

Mr Hussey

Lord *Hood* now rose, and observed that he felt himself under the necessity of calling the attention of the House to a matter of personal reflection, and therefore the sooner it was cleared up the better. He added that an honourable gentleman (Mr. Courtenay) had on the preceding Wednesday, used an expression in debate, which was considered as an insinuation that he had not done his duty in the action of the 12th of April 1782. If by saying that he had been a spectator of that action, the honourable gentleman aimed at any such meaning, he should be glad that he would explain himself, because in such a case it was not more an insinuation against him than against the noble Lord who commanded in chief; since if the fact were, that he had not done his duty, the noble Lord was bound to have brought him to a court martial, and made an example of him on the spot.

Lord Hood.

Sir James Erskine rose, but was interrupted by a member (we believe Mr. Grosvenor) who spoke to order, and said that he had witnessed so many of the disagreeable discussions to which such sort of conversation led, that he hoped the matter would not be taken up by any member except the noble Lord and the honourable gentleman who had made use of the expressions alluded to.

Sir *James Erskine* declared, that he meant to speak to order. He then declared his extreme surprize at hearing his honourable friend called upon to give an explanation of an expression, which he had amply and completely explained the very day on which he had made use of it.

Sir James Erskine.

Mr. *Windham* contended, that it was disorderly and contrary to all regular practice to call upon an honourable gentleman to explain an expression which he had let fall in the course of debate, four or five days after that debate had taken place, but, in this case, it was singularly wonderful, because his honourable friend had, directly, upon his being called to order, done away the possibility of its being supposed, that he meant to convey any insinuation to the prejudice of the noble Lord's character, or professional reputation, by declaring in express and unequivocal terms, that he had no such intention, as some gentlemen hastily imagined he entertained, when he had

Mr Windham.

had said the noble Lord had been a spectator of the celebrated action on the 12th of April 1782. Mr. Windham confessed that when his honourable friend had let fall the expression, it struck his ear as meant to convey an unpleasant insinuation, and therefore he had felt great pleasure in hearing his honourable friend do that of himself which he meant to have advised him to do, and disavow an intention of making any insinuation whatever to the prejudice of the noble Lord's gallant conduct; but (Mr. Windham said) he could give another proof both to the House and to the noble Lord, that his honourable friend had been sincere in his disavowal of any such intention; and that was, his honourable friend's expression of the utmost anxiety to him, in private, on the day of the debate, that such a construction should have been put upon his words, as he saw had been entertained by the other side of the House.

The Speaker. The *Speaker* stated the order and usage of proceeding, when any improper or offensive words were spoken, in the course of debate, to be, for those words to be immediately taken down, and a proceeding had upon them before any other business or question was debated; but, that it was irregular when the words had not been complained of at the time, to enter into discussion of any expression which had fallen in the course of debate, three or four days afterwards.

Mr Burke. Mr *Burke* begged leave to assure the House, that his honourable friend (Mr. Courtenay) had, on the very day of the debate, when the expression in question escaped him, declared to him, that it was an accidental lapse of speech, into which he had been betrayed by hurry; and that instead of *spectator* of the action of Lord Rodney, he meant to have used the word *participator*; but that the other word dropped from him inadvertently. Mr. Burke added, that no man could appear more hurt than his honourable friend, when he found the construction which a part of the House had put upon it, and that he expressed great uneasiness to him on that account, after he had done speaking. Indeed, it was impossible that his honourable friend, whose wit was not greater than his justice, nor more prominent than his good, humane, and even temper, could have intended offensively to throw out any thing injurious to the character of the noble Lord, to whose exertions the country stood so highly indebted, and whose merit that house had recognized in a manner the most flattering to honest pride. Mr. Burke spoke of Lord Hood's behaviour on the 12th of April, 1782, declaring, that it dignified the title which he wore: and he repeated his assertion relative to Mr. Courtenay's declaration to him, that he had not meant to throw out any imputation prejudicial to the noble Lord's character.

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The member who had called Sir James Erſkine to order, roſe again, and ſaid, that if the honourable gentleman, (Mr. Courtenay) with whom he had the pleaſure to be acquainted, and whom he knew to be a man of honour, did not feel it to be neceſſary to add any thing more upon the ſubject, he thought that the converſation ought not to continue.

Mr. Chancellor *Pitt* obſerved, that he ſhould take care not to be diſorderly in what he had to ſay; for, he would conclude with a motion; and *that* a motion which, if the honourable gentleman who had been the cauſe of the preſent converſation, had any intention of caſting an aſperſion on the character of the noble Lord, would give him an opportunity of doing it fairly and manfully, and not by indirect and covert inſinuation. He admitted, that the loud and general indignation excited in all parts of the Houſe, a few nights before, at the ſuſpicion that an imputation had been hinted to the prejudice of the noble Lord, who ſo juſtly ſtood in the higheſt rank of public eſteem and gratitude, and againſt whom any imputation would be a reflection on that Houſe, which had made him the object of a public vote of thanks, and on his Majeſty who had beſtowed upon him a diſtinguiſhed mark of his favour, for his eminent and memorable ſervices, moſt certainly drew from the honourable gentleman ſome ſort of explanation on the ſubject. But thoſe who knew that honourable gentleman, would know that it was no very extraordinary ſuppoſition to be entertained, that this explanation, though in terms it might appear an apology, might in fact be meant rather as an aggravation than an extenuation of the injury—it appeared, however, from the aſſertion of two friends of the honourable gentleman, that he himſelf had declared to them, that he was ſorry that he had uſed the expreſſion. Why not then ſay in public, what he had already declared in private? The honourable gentleman would have an opportunity, now, in conſequence of his motion, of ſaying for once, whether he was ſerious or not; and if he had nothing to ſtate to ſubſtantiate an inſinuation againſt the noble Lord, at leaſt to enter into a retraction of that which he was ſuppoſed, and which he had ſuppoſed himſelf to have made. Mr Pitt, now, moved, that the reſolutions of the Houſe of the 22d day of May, 1782, might be read. | Mr Chancellor Pitt.

The ſame were read accordingly, and are as followeth:

Reſolved, *nemine contradicente*, "That the thanks of this "Houſe be given to Sir George Brydges Rodney, Baronet, "Knight of the Moſt Honourable Order of the Bath, for "his gallant conduct in the late moſt brilliant and deciſive "victory over the French fleet in the Weſt Indies, by the "fleet under his command."

Reſolved,

Reſolved, *nemine contradicente*, "That the thanks of this "Houſe be given to Rear Admiral Sir Samuel Hood, Rear "Admiral Drake, Commodore Affleck, and Sir Charles "Douglas, and to the ſeveral Captains and officers of the "fleet under the command of Sir George Brydges Rodney, "for their bravery and gallant conduct on the late moſt glo-"rious occaſion; and that Sir George Brydges Rodney do "ſignify the ſame to them."

Ordered, *nemine contradicente*. Mr Pitt next moved, That the ſaid reſolutions be printed in the votes of this day.

Mr. Fox

Mr. *Fox* declared, that he had no objection to the motions, but would ſupport them; having, on every occaſion, notwithſtanding any little political differences of opinion which might prevail between the noble Lord and himſelf, uniformly expreſſed his ſincere ſatisfaction in having been himſelf happily the perſon to move the vote of thanks in that Houſe, when he had the honour to ſtand in a particular ſituation. Mr. Fox ſaid, that he knew thoſe thanks to have been highly merited and ſo far from feeling any objection to the propoſed motions, they would, in his opinion, do good, by refreſhing the minds of all ranks of people with the gallantry of the officers, whoſe names were inſerted in the vote of thanks, and the very great obligations which the country owed them. With regard to his honourable friend, however, he could not help thinking that he had been rather hardly called upon. For what was the real fact? His honourable friend had let fall an expreſſion to which a meaning had been annexed foreign from that which his honourable friend intended it to convey. The inſtant his honourable friend found the conſtruction that had been put upon it, he roſe voluntarily, and in a manner that muſt have ſatisfied every man who heard it, declared, that he had not intended to ſuggeſt or inſinuate any thing derogatory to the reputation, or profeſſional conduct of the noble Lord in queſtion; and yet he was called upon at four days diſtance, to explain his meaning over again. He might as well be called upon the next day to repeat his explanation a third time, the day after a fourth, and ſo on to the end of the ſeſſion. Beſides (Mr. Fox obſerved) there was ſomething ſo *peculiarly* conciliatory about the right honourable gentleman, that he wiſhed to know, if he himſelf thought his talking of retraction, and his manner of animadverting on his honourable friend's mode of ſpeaking, was very likely to incline his honourable friend to riſe more than he felt inclined to riſe before?

Mr. Chancellor Pitt

Mr. Chancellor *Pitt* declared, that he had not meant to be conciliatory in what he ſaid; for, he looked upon it, that motives of private honour alone ought to be ſufficient to induce the honourable gentleman to make that apology perſonally

which

which his friends had thought proper to make for him, and which, though it was necessary for his own credit and reputation, could in reality affect the noble Lord no more than the insinuation which had fallen from him either had or could injure his unsullied naval reputation. He was not a candidate with the right honourable gentleman for the honourable gentleman's friendship, but he left it to the House to judge which acted most like a friend, he who recommended to him to make an apology, which could do honour to none but himself, or the right honourable gentleman who encouraged him to remain silent, and acquiesce in the suspicion of having made an insinuation, by which, if he had indeed made it, none but himself could suffer.

Mr. *Fox* answered, that the right honourable gentleman's not envying him the friendship of the honourable gentleman, who sat near him, could only be owing to his not having the happiness to know him, and thence to have learnt the value of the friendship of a man of his honourable friend's integrity and virtues. Mr. Fox

Lord *Hood* observed, that the fact was, that he had not heard the expression himself, as he happened to be moving from his seat when the word was used; nor was it till the next day that he knew the nature of the sort of attack which had been made upon him. He had then come down meaning to call for an explanation, but he found the House engaged in a very important discussion, that of the question of impeachment, and as soon as that was decided, gentlemen rose altogether and went to the bar of the House of Lords; and the next day, when he came to the House for the same purpose, the honourable gentleman was not present, but came in just in time to divide against the post-horse tax farming bill, and sat all the time close to the bar, and when the division was over, he went away; and that, therefore, this was the first day upon which he had found an opportunity of saying the little he had thought it due to himself to declare upon the occasion. Had he known that the honourable gentleman had declared that he did not mean any insinuation against his character, he should have been fully satisfied; but, surely the House would not think that he had been unnecessarily scrupulous, when they considered, that an officer's character was all which he had to carry him through the world. Ld Hood

The motions were, now, put, and carried *nemine contradicente*.

Mr. Brandling and Sir Matthew White Ridley each presented petitions against the coal-shipping regulation bill, and Lord Mulgrave presented one in favour of it.

Mr. Brandling.

Mr. *Brandling* then moved, "That the order for reading "the bill a ſecond time, the next day, be diſcharged," intending to follow it with a motion that the bill be read a ſecond time on the enſuing Friday; before which day he ſaid it would be impoſſible for the counſel of thoſe of his conſtituents, who had ſigned the petitions, to be prepared upon the ſubject. He truſted, therefore, that ſuch an appeal to the juſtice and candour of the Houſe would prove ſucceſsful.

Lord Mulgrave.

Lord *Mulgrave* anſwered, that when a man of the honourable gentleman's reſpectable character declared it would be impoſſible for the counſel of the petitioners to prepare themſelves to oppoſe the bill before Friday, it was not poſſible to reſiſt the motion for diſcharging the order, and agreed that the bill ſhould be read a ſecond time on Friday; but *then*, he hoped that the honourable gentleman would not attempt any more delay, but would, in a manly, candid manner, conſent, that if they could not prevail by argument, and perſuade the Houſe to throw out the bill, the bill ſhould go immediately into the Committee, and proceed through the other ſtages of it with all reaſonable diſpatch, and not be attempted to be gotten rid of by any reaſoning on the advanced period of the ſeſſion. Though the bill came in as a private bill, it was of very great public importance, and much depended upon its paſſing into a law this ſeſſion: no leſs than whether ſome hundreds of Britiſh ſeamen ſhould be turned adrift, and a great number of coal ſhips unemployed.

Sir Matthew White Ridley.

Sir *Matthew White Ridley* reprobated the bill, as likely to create freſh diſſentions and animoſities at Newcaſtle, where they had lately prevailed in ſo alarming a manner, that the aid of the ſoldiery was found neceſſary to preſerve the peace. The circumſtance of there being counter and croſs petitions ſigned by ſuch reſpectable men, as thoſe whoſe names were ſubſcribed to each of the petitions, would prove not only the very great importance of the bill, but the ſort of contention which was likely to ariſe, and the miſchievous conſequences that would in all probability enſue, if an hoſtile bill were forced down the throats of the parties concerned, by the ſtrong arm of power, and the determined exertions of Government. [Upon Mr. Pitt's looking with an air of ſurpriſe at this expreſſion] Sir Matthew ſaid, if he had gone too far in relation to the interference of government, he would afterwards explain to what he alluded; but, ſure he was, that if the noble Lord would conſent to print the bill after the ſecond reading, and let it go over to the next ſeſſion, an amicable bill might be chalked out, and in that caſe every deſirable effect would follow; otherwiſe he ſaw no proſpect, except that of reviving animoſity and diſſention.

Mr.

Mr. Chancellor *Pitt* observed, that whatever difference of opinion there might be on the general subject of the bill, yet, on the present question all parties seemed agreed, and assented to the propriety of deferring the second reading till the ensuing Friday. For his own part, he confessed, that he was not prepared to determine one way or the other on the merits of the bill; but he was certainly of opinion, that it ought not to be pushed forward at so late a period of the session, unless there was either an actual and immediate necessity, or unless it was evidently unobjectionable. What *he*, principally, rose for, was to take notice of an expression which fell from the honourable baronet, intimating, that it was an object of government to press the bill; but he could assure the honourable baronet, that it was by no means an object of government, nor did he, for *his* part, take any interest whatever in the business, beyond that which he should feel on every other subject, wherein the interest either of the whole or any part of the country was involved. Mr. Chancellor Pitt.

Mr. *Brandling* declared, that the great increase of the coal-trade, and the situation of it at present, did not portend any probability of a number of seamen being turned a drift in the course of the ensuing summer, in case the present bill should not pass until after the commencement of a future session. Mr. Brandling.

Lord *Mulgrave* observed, that the very argument which the honourable gentleman had used against the bill's passing in the present session, was an argument in favour of its passing with as little delay as possible; and he would explain his meaning by a single illustration. The subscribers to the petition, which he had delivered in favour of the bill, were all of them men, who would be contented with making seven or eight voyages, to and from London and Newcastle, in a year; but, in consequence of the laws in existence not being sufficiently efficacious to answer their own objects, a partiality was shewn by the coal-owners to certain favourites, who were thence enabled to make thirteen voyages a year; and, if that practice continued, a great number of the coal ships must be obliged to quit the trade; and, consequently, very many seamen must necessarily be turned out of their employment. Lord Mulgrave.

The order for reading the bill a second time was discharged, and a new order made for Friday.

Mr. *Dempster* begged leave to remind the House, that there had been no money voted in the Committee of Supply for the Commissioners for inspecting public accounts, but only a small sum for their secretary. He was sorry to find that this was the case, as it augured that a commission which had such good effects was likely to be discontinued. If this, however, were to happen, he hoped that the commission would not be dissolved, without making a sufficient com- Mr. Dempster.

pensation for their time and trouble, to those gentlemen who had executed it with so much honour to themselves, and benefit to the public.

Mr. Chancellor Pitt. The Chancellor Mr. *Pitt* answered, that the commission was to be discontinued, because the business for which it was appointed was concluded; and the reason for not voting the money for the reward of their great and useful services in the supplies was, because, as their duty was completed, it was right that they should receive their full remuneration, and not, as heretofore, only a part of it on account. He, therefore, intended, before the end of the session, to move an address to His Majesty for that purpose.

The order of the day having been read for the House to resolve itself into a Committee of the whole House on the charges against Warren Hastings, Esq. the Speaker left the chair, and Mr Saint John took his seat at the table.

Mr. Burke. Mr. *Burke* expressed his hopes that he should not have occasion to detain the House long, as they had at length arrived to the important period which rendered it a matter of common opinion, that wherever a charge upon the face of it wore the features of criminality, it would be wiser to submit it, when matured by the Secret Committee in the shape of an article of impeachment, to the investigation and decision of the House of Lords, than to spend much of the time of that Committee in inquiring minutely concerning the particular facts contained in it. He had last week impeached Warren Hastings, Esq. of high crimes and misdemeanors, and that day he had the honour of delivering at the bar of the house of Lords the articles of impeachment: a circumstance which did that House the highest credit, and at the same time rendered it the less necessary for him to trespass much upon the patience of the House on the present extremely long charge, as it stood upon their table. He should, however, merely state the principal points of it in a summary way, to shew that it contained criminal matters, and then move the general question upon the whole. With regard to several of these facts, Mr. Hastings had himself saved him and the Committee much time and trouble by admitting them in his defence, and particularly all the charge contained relative to the distress of the province of Oude and the confusion of the Nabob Vizier's affairs: he should, therefore, accuse the said Warren Hastings with having been the cause of that decay, distress, and confusion; he should charge it upon the British government of the province exercised under the direction of the said Warren Hastings, and prove, that it was owing to a military force being established in the province unconnected with the government, and not subject to the control of the Nabob,

and to the appointment of the British officers to collect the revenues: he would charge the said Warren Hastings with making treaties for the professed purpose of remedying evils, but by them aggravating the same; with having and employing secret agents to counteract all good measures; with making contradictory charges against the British resident at Oude; with ordering a native collector to be murdered; with afterwards letting a large territory to farm to Almas Ali Khan for six years; with laying snares and traps to deceive and ensnare the British resident; with pretending to pay the Nabob's debts, which were never paid, and with an infinite variety of other criminal facts, which Mr. Burke read from a paper on which he had extracted the great outlines of the charge. After going through the list, Mr. Burke observed, that he thought it necessary to say thus much out of respect to the Committee, and he had avoided urging more matter in order to accommodate himself to the season, the wishes of gentlemen on all sides, and the propriety of the particular case. He now moved the usual resolution, "that the sixteenth article contained matters of "charge of high crimes and misdemeanors against Warren "Hastings, Esq."

Major *Scott* said, that he did not mean to divide the Committee upon the present charge, or to detain them more than four or five minutes; in fact, as the friend of Mr. Hastings, he should rather wish that the present charge went up to the Lords, because he was conscious that where criminality was alledged, infinite merit would appear; but as a member of the British House of Commons he considered it as his duty to tell gentlemen, that he held a letter in his hand which so clearly and pointedly explained the cause of all the distresses that had been felt in Oude, that he should hold himself culpable if he did not communicate it to them. The letter, it was true, was before the House, but he believed that, in common with very many papers of infinite importance, this letter had been perused by very few indeed of those who had voted for the impeachment of Mr. Hastings. The Major said, he joined issue with the right honourable gentleman in all he had said as to the distresses of Oude; but he contended, that all these distresses were occasioned by a system which Mr. Hastings had not only opposed on its establishment in 1775, but had actually prophetically foretold, as very sensibly noticed by Mr. Dundas in the Fifth Report of the Secret Committee at the time the measure was adopted by General Clavering, Col. Monson, and Mr. Francis, in opposition to the opinion of Mr. Hastings. Major Scott.

The Major here read the following extracts from Mr. Bristow's letter, dated Lucknow, January 22, 1777.

"The ministers have often represented to the Vizier his "situation, but without effect; for though he may have "been convinced at the time of the necessity of a reform, "yet his turn for expence will render it a most difficult "task to bring him to abide by any regular system: besides "this reason, there is a very principal one arises from the "opposition his ministers meet with from Imaum Buck, "Tipper Chund, and the favourite Tellinga Rajas, who "counteract every measure they propose for introducing "good order and œconomy. The characters of his Excel"lency's favourites I explained to the honourable Board in "my letter of the 21st August last, and am ignorant of "any change having happened in his sentiments towards "them.

"It appears to be his plan to entrust to the Tellinga "Rajas the management of any farms that may in future "fall vacant; I dread the bad consequences that must en"sue; for it needs little judgment to penetrate into the "conduct of men of low births, without either education "or abilities, and whom I may safely declare totally unfit "for the charge of government: the country already feels "the effects of their violence, and the Vizier does not re"ceive even a temporary advantage from it; as whatever "they may collect from the country, the payments to him "from all the districts fall infinitely short of the former "rents.

"The ministers, whoever they be, will be constantly "perplexed how to act towards the favourites, as their in"fluence with the Vizier places them above control, and "likewise enables them to obtain extravagant allowances "for the charges of collections, as well as great deductions "for the failure of crops, deserted lands, and under various "pretences void of foundation: these men themselves, I am "told, doubt the permanency of their situations; they are "sensible of the general disgust which prevails against them, "and that on any change of government they would be "the first to feel the effects, and therefore are the more "earnest to acquire emoluments, without regard to the "means.

"In my address of the 8th of August last, I informed "the honourable Board of the abuses which reigned in the "mint, and of the improbability of their being rectified, "owing to the influence of the manager, one of the prin"cipal Tellinga Rajas. I am sorry to observe, that abuses "daily increase; for at this short period of time, from my "forwarding the honourable Board a table of assays, the

"coinage

" coinage at some of the mints has been debased near three
" per cent. Such departments of the government as are
" not under the management of the favourites are neglect-
" ed, and the persons invested with the charge of them ex-
" posed to the greatest difficulties. Aumils, whose districts
" are filled with refractory Zemindars, and require troops
" to subject them, cannot obtain assistance in proper time,
" and on this account I have known great losses often ac-
" crue in the revenue. Another great difficulty they la-
" bour under is, the assignments granted on them exceeding
" the rent of the lands they hold: to many people of in-
" fluence who have these assignments they do not dare to
" give a refusal, for fear of being injured by them, and
" they are at the same time unable to comply with their
" demands; so that I recollect many instances of Aumils,
" whose attention has been more taken up in making ex-
" cuses to Tuncawdars than in the care of their districts.
" Every Tuncawdar sends a Vakeel, Hircarras, and a num-
" ber of people to collect his Tuncaw, and if he has troops
" under his command, he detaches a party to exact pay-
" ment from the Aumil; very often troops, whom the Vi-
" zier cannot pay at the presence, are sent to collect their
" arrears from an Aumil: they frequently treat him in the
" most ignominious manner by confining and depriving him
" of all sustenance until he finds means to satisfy them. So
" considerable an officer of government as an Aumil, whose
" character should be held up to the people in the most re-
" spectable light, to be thus disgraced, must not only affect
" the Vizier's authority, but his revenue, and is so prejudi-
" cial, that it will be impossible for the government to subsist
" long upon this plan.

" Another great abuse which prevails, is the contempt
" with which the Vizier's authority is treated: his orders
" are ill executed; his Perwannas disregarded, even in the
" neighbouring districts to the capital, unless accompanied
" by similar ones from the person immediately in charge of
" the province. In some distant parts of the country nei-
" ther his Excellency nor his Aumils are much regarded;
" the Gurrocpore district particularly can hardly be said to
" be under the Vizier's government, as it is held by Zemin-
" dars who pay little obedience to the Aumils, and discharge
" their revenues with great irregularity.

" On the appointment of the ministers I informed the ho-
" nourable Board of the advice I had given the Vizier, and
" the confidence I entertained of their earnest wish to pro-
" mote the joint interests of their Master and the Com-
" pany; and I have equal reason to believe they are zealous
" in their duty. Heyder Beg Cawn has shewn abilities suf-

" ficient

"ficient to discharge the trust reposed in him; but, curbed "and opposed on every occasion as he has been, it is impossible to expect he should have been hitherto able to introduce a reform in the government. I shall dwell particularly on this subject, because I know his attachment "to the Company has exposed him to the enmity of all the "Court; but I humbly hope the honourable Board will regard Hyder Beg Cawn as a man to whom their countenance and protection are necessary, as well to support the "Vizier's government as the Company's interests."

The Major then concluded thus: I have read this letter to justify myself to the House for opposing with a negative only so nonsensical a charge as that now before you. We agree as to the distress of Oude, but the right honourable gentleman attributes that distress to Mr. Hastings; I, on the contrary, who have been in Oude myself, who have conversed with almost every man who has served in that country, and who have studied the subject, know that Mr. Hastings foretold the mischievous consequences of the system which his colleagues established, and that he alone has the credit of remedying those evils which they occasioned: Oude is a country which has little trade and no mines; yet it appears that since the first of September 1773, the Company has received above fourteen millions sterling from the Vizier; of this sum the Company has drawn from the country eight millions and a half sterling, and since 1773, fifty-two gentlemen who have been employed in Oude, have returned with fortunes to Great Britain; I suppose upon an average, that they have brought home twenty-five thousand pounds each, some may have brought home more; many, to my knowledge, have returned with much less, but as I do not form my calculation at random, I am sure I am tolerably correct—This will make the whole amount of specie extracted from Oude, including the sums sent to Calcutta for the purchase of European exports, at least ten millions sterling. Is there a man of common sense, who seriously considers this account, that can doubt a moment as to the causes of the distress which has been sustained in Oude? I therefore repeat, Sir, that on Mr. Hastings' account I rejoice that a charge so completely nonsensical has passed; but as a member of Parliament I tell this Committee, that they are about to vote a charge which, if they gave themselves the trouble to inquire into, they would find, is so far from having any foundation in fact, that Mr. Hastings is entitled to infinite merit from rescuing the Nabob Vizier from the distresses in which he was involved by the majority of the Supreme Council.

Mr.

Mr. Francis Mr. *Francis* contended, that they did not charge Mr. Hastings with being the author of the distress and confusion which prevailed in the province of Oude previous to his having the direction of its government, but while the direction of it was completely in his power. Mr. Hastings, he declared, had truly said, that Colonel Monson died on the 28th of September 1776, and from that period only he was accountable for any act of the government of Bengal: that was precisely the fact, and upon the events which followed in Oude from that date to the day of Mr. Hastings' quitting the government of Bengal, were they and Mr. Hastings at issue.

Mr. Burke. Mr. *Burke* said in reply to Major Scott, that whether the charge was nonsensical or not, whether it was founded in folly or fraught with wisdom, was not for them, but for the House of Lords to determine: *that* tribunal would, doubtless, examine with impartiality, investigate patiently, and decide wisely and justly. It was *his* business to substantiate facts by evidence, and to prove all that he should charge. With regard to Mr. Bristow's letter he had read it attentively, and he relied a good deal upon much of its contents; with respect to fortunes made in Oude, unless the making of those fortunes should be found to involve in it something of criminality, he should not meddle with them; if it should be found that it did, he should in that case most undoubtedly interfere; and as to some persons having made great, and others small fortunes, if it should turn out that any of the persons of the latter description were highly criminal, it would be matter of dissatisfaction to him to know that their conviction could scarcely be followed with any other punishment than imprisonment.

Mr. Dempster Mr. *Dempster* supported Major Scott's arguments, and declared, that Mr. Hastings appeared to him to be so far from being the author of the distresses and confusion in Oude, that he thought it unworthy of that House to make it a matter of impeachable charge against him at the bar of the House of Lords.

At length the question was put and carried without a division.

The report was made immediately, and the charge referred to the Secret Committee to prepare it as an article of impeachment.

The House adjourned.

*Tuesday, 15th May.*

Sir Grey Cooper. Sir *Grey Cooper* said that he rose to speak a few words in behalf of a class of unfortunate American loyalists, whose

hard

hard and peculiar case, had not (he conceived) engaged so much of the attention of the House as it deserved and required. Their petition was before the House. He moved that it might be referred to the Committee on the bill. The petitioners were persons who, during the late unhappy dissentions in America, and in the times of the greatest pressure and urgency, furnished provisions and other articles of supply for the armies and fleets of the King, without any specific contract or agreement; who let their houses and their barns, their wharfs and their warehouses for the use and occupation of those fleets and armies (as occasions required) and whose property and effects were seized in the hour of imminent necessity, and destroyed by order of the generals or commanding officers. The payments for such supplies, and for the use and occupation of such houses and wharfs, and the compensation for such particular losses and damages ought to have been made in America by warrants from the generals and commanding officers, and charged to the accounts of the contingencies of the army. But, these demands had not hitherto been paid, either in America or in Great Britain. Soon after the close of the war, the petitioners applied to the Treasury for relief on the special circumstances of their case, and it was perfectly (Sir Grey said) within his knowledge, that it was the intention of the Board, in 1783, that the Commissioners appointed by the act of that session of Parliament, should have been empowered and required to take the case of the petitioners into their consideration, to examine their vouchers, and to liquidate their demands on the Public. But, by the inaccuracy of the words in which the clause was drawn, that gives the powers to the Commissioners, it did not, it seemed, comprehend the case of this class of the loyalists. The powers of the Commissioners extended only, as the act was construed, to those persons who have suffered in their rights, properties, and professions, in consequence of their loyalty to His Majesty. Sir Grey said, the object of his motion, and of the clause which he proposed to offer to the Committee to be inserted in the bill, was to remedy the defect of the original act. He conjured the House, before they rejected his humble request, to pause, and to consider the situation and circumstance of the unfortunate persons who appealed to their justice for redress. They stood in the front ranks of those loyal subjects who preserved their allegiance to the King, and their fidelity to this country, through all the various fortunes of the late unhappy civil war; they were men whom neither example, number, nor the success of the adverse party, could shake in their principles, or draw from their duty. For the sake of the King and Parliament of Great Britain, they had forfeited and left behind them landed estates and personal

property

property of immenſe value; many of them had left ſplendour, affluence, and diſtinction, moſt of them the comforts of independent competence, ariſing from trade or profeſſional ſituations, they had left a country, which, however it might have uſed them, they ſtill looked back to with predilection and regret. They brought little or nothing with them acroſs the Atlantic, but the conſciouſneſs of the rectitude of their own conduct, and a juſt confidence in their title to the compaſſion, ſuccour, and protection of the Britiſh Parliament, and in the equity of their claim of ſuch relief and compenſation as the country, for which they have loſt their all, can afford to give them. (Alas! ſaid Sir Grey, no conſideration humbles the country more than the neceſſity of that word afford!) The unfortunate perſons whoſe caſe he was recommending to the attention and feelings of the Houſe, had ſuperadded to the merit of the cleareſt loyalty a demand on the juſtice of the nation. Since they came here, they had ſuffered amongſt other things that which wounds the heart of a gentleman and a man of honour more than any circumſtance which accompanies misfortune, the pain of ſolicitation; but they were men, who, in ſuffering all things, had ſuffered nothing. They did not complain even of delay, but they ventured, with all poſſible humility and ſubmiſſion, to remind the Houſe of the ſituation and condition of their affairs. They were duly grateful for the temporary relief and ſupport which many of them had received and continued to receive from the Public, and they hoped and truſted that the Houſe would conſider and interpret, in a favourable manner, the motives of their preſent application, and the anxiety with which they deſired that if the Chancellor of the Exchequer would not give his conſent to allow their caſe to be inſerted in the bill in order to be referred to the Commiſſioners, ſome other mode of inquiry might be inſtituted by the Board of Treaſury, before the next ſeſſion of parliament, for the examination of their vouchers, and the liquidation of their demands.

When the Speaker was about to put the queſtion that he ſhould leave the chair,

Mr. *Courtenay* ſaid that he roſe, unapplied to and unſolicited, to make ſome ſhort remarks upon what had been the ſubject of a debate on the preceding day. He roſe to do that juſtice to the profeſſional character of the noble Lord (Lord Hood) which he was precluded from doing, by the acrimonious, or rather unhandſome, manner in which he had been ſolicited to do ſo by the right honourable gentleman (Mr. Pitt.) However inclined he might have been, the ſtyle and manner of the right honourable gentleman made his compliance at the moment incompatible with any ſenſe of propriety or decorum, and inconſiſtent with any ſentiment of ſpirit or ho- Mr. Courtenay.

nour. Mr. Courtenay begged leave to hazard ſome obſervations on the peculiarly perſuaſive ſpecies of logic which the right honourable the Chancellor of the Exchequer had adopted. The right honourable gentleman thought proper rather contemptuouſly to diſclaim his friendſhip, yet would fain induce him to deſert his friends, by rejecting their advice, and complaiſantly adopting the right honourable gentleman's. Mr. Courtenay ſaid that however he might lament the loſs of the Chancellor of the Exchequer's political friendſhip, yet the right honourable gentleman would not alledge that he had ever courted it; perhaps, he might juſtly ſay, that, on ſome occaſions, he had rather ſtudiouſly declined it, both ſince the right honourable gentleman was Miniſter of the Crown (as he choſe emphatically to ſtyle himſelf) and when he made a part of a noble Marquis' adminiſtration—It would be readily admitted, that a political friendſhip with the right honourable gentleman could alone be either enviable or deſirable, as from the ſpecimens he ſo frequently gave of his amiable temper and diſpoſition in the Houſe—his private friendſhip, or any intimate ſocial connection with the right honourable gentleman might be eaſily diſpenſed with. However, he had ſome conſolation for the loſs of the right honourable gentleman's favour, by the ſupport which he had received from ſome honourable gentlemen of the moſt diſtinguiſhed talents and character, whoſe friendſhip he ſhould always conſider as the higheſt honour. Sanctioned by their opinion the preceding day, (which coincided with his own) he had remained ſilent, and reſiſted the exhortations of the right honourable gentleman, who, with great profeſſions of cordiality, had adviſed him to repeat an explanation which he had already made, and which was therefore unneceſſary; and at the ſame time the right honourable gentleman, with his uſual felicity of expreſſion and inſidiouſneſs of intention, prevented him from complying with a requeſt, urged with affected candour and ſtudied plauſibility. Sanctioned by the opinion of thoſe friends, (Mr. Courtenay ſaid) by whoſe opinion he had been directed the preceding day, and at their deſire, he roſe to do what at his coming into the Houſe he had not the leaſt conception of doing—to repeat the explanation which he had given on the laſt Wedneſday, that he had not the leaſt intention to throw any reflection on the noble Lord. The expreſſion was unintentional, and had dropped in the hurry of debate. It would have been abſurd, ridiculous, and fooliſh, in him to have hinted any inſinuation againſt the character of the noble Lord, who ſtood deſervedly high in his profeſſion, in the eſtimation of his country, and who had received the thanks of the repreſentatives of the people for his ſervices.—One word more, and he ſhould then conclude:

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The right honourable gentleman had said that it was hard to know when he was serious or ironical;—yet, the right honourable gentleman, by the resentful and acrimonious manner in which he had expressed himself, seemed still to have retained both his memory and sensibility, correctly and feelingly, and to have judged accurately enough when he had been ironical at the right honourable gentleman's expence. However, lest the Chancellor of the Exchequer should be at a loss for the future, or should not discriminate with his usual judgement, Mr. Courtenay begged leave to assure him, whenever he paid him any compliments personally or politically, the right honourable gentleman might be persuaded, that he was ironical.

Mr. *Grey* rose in pursuance of his notice to make his promised motion relative to abuses in the Post Office, and opened his speech by disavowing any personal motive for his conduct, and declaring that the higher consideration of what was the duty of a member of Parliament impelled him to come forward on public principles, and state the necessity of an inquiry into certain abuses in the Post Office, which proved the malversation of those who were entrusted with the management of that office. Having thus cleared his way, he proceeded to mention, as the first and leading fact on which he grounded his application, (an application which, he declared, he would not have made, had there appeared to him to be any other means likely to be resorted to for the cure of the abuses in question, than a parliamentary inquiry) that, in the year 1775, a person of the name of Baron, or Barham, who had been agent of the Dover packet, and was grown old and infirm, applied to the Postmaster General for leave to retire, and to be superannuated. Leave was given, and Mr. Walcot, formerly of the Post Office in Ireland, was appointed, upon condition of paying Mr. Barham an annuity. This was thus far a fair transaction; but at the same time it was conditioned that 350l. a year more out of the salary should be paid annually to Mr. Lees of the Post Office in Dublin, to be by him paid to a person no otherwise known than by the letters A. B. This, Mr. Grey said, he charged as a corrupt purchasing of a place, and though he fully acquitted Lord Carteret of any motive of personal interest, or advantage to himself, from the transaction, yet he charged it as an instance of impure conduct in Lord Carteret, as that noble Lord could not but have known of it. In justification of Lord Carteret, in respect to his having any personal interest in the transaction, Mr. Grey read part of the letter or memorial of Mr. Lees to the Postmasters General, in which he states that the person represented by the initials A. B. is wholly unknown to Lord

Mr. Grey.

Carteret; but that the person it really means it would be highly dishonourable in him to name. Mr. Grey commented on this transaction, and then said, that he would barely state the outline of one or two other facts, sufficient in his mind to warrant a parliamentary inquiry. He mentioned several circumstances relative to different packets, stating that, in some instances, they were worn out, and vessels not above a third of their tonnage, and with scarcely a twentieth part of their complement of hands on board hired to do their duty, but charged as complete packets to Government. In others again there were some packets which did no duty for ten months together, and yet were charged as if on full and constant duty. These were the Trevor, the Hamden, the Tankerville, and the King George packets. After mentioning the above, and various other abuses, Mr. Grey proceeded to extend his charge to the Chancellor of the Exchequer, declaring that the Earl of Tankerville, while in office, had busied himself attentively upon endeavouring to correct the abuses in question; had suggested several plans for their prevention in future, and had communicated those plans to the right honourable the Chancellor of the Exchequer; had received his commendation for his zeal and attention, and had been promised his support: but as he could not prevail on Lord Carteret to see the abuses in the same light as he did, nor take the same pains to cure and prevent their continuance, the two noble Lords quarrelled, and it became impossible that they should continue joint Postmasters General. This being the fact, an ordinary observer would have imagined that the right honourable gentleman would not have dismissed the Postmaster General who had shewn himself anxious for a reform, and had taken pains to effect it; but the other Postmaster General who was a protector of the abuses in question, and the opposer of the reform to be desired. Instead however of dismissing Lord Carteret, the right honourable gentleman had dismissed his (Mr. Grey's) noble relation the Earl of Tankerville, and that on a sudden, and in a manner the most unexampled and extraordinary. Mr. Grey reasoned upon these circumstances, and said, that it was clear there could be no motive for dismissing the Earl of Tankerville, but that noble Lord's having preferred doing his duty to every other consideration. He conceived therefore that the right honourable Chancellor of the Exchequer had acted in a manner deserving of censure; and with a view to establish that fact, as well as the other charges, against Lord Carteret, which he had stated in the course of his speech, he concluded with moving,

"That a Committee be appointed to inquire into certain "abuses in the Post Office."

Mr.

Mr. Chancellor *Pitt* rose, he said, not to detain the House long, and certainly not to oppose the motion of the honourable gentleman. A motion made for an inquiry into abuses stated to exist in a flagrant degree, and which an honourable gentleman declared himself impelled, by his duty as a member of Parliament, and not by any private or personal views, to make, was such a one as he should at all times feel the strongest inclination to comply with, and from which nothing but evident and palpable impropriety could induce him to withhold his consent. But he expected that if the motion were to pass, the inquiry intended to be made might be proceeded upon immediately before the end of the session, and be pointed to the proper object of censure, if censure were, upon investigation, found to be deserved. The honourable gentleman had made heavy charges against a noble Lord of high character and unsullied honour, and had thought proper also to extend his accusation to him, and it would be but a bad method of consulting either his own or the noble Lord's reputation, to endeavour to shrink from an inquiry into the true grounds and merits of the accusation. The part which he had taken in the transaction relative to Mr. Lees, was one which he was always ready to submit to the judgement of the House. A memorial had been sent from the General Post Office, signed by the two noble Lords who then presided there, the Earl of Tankerville and Lord Carteret, stating that Mr. Lees would probably suffer an injury in his employment, to a very considerable amount, in consequence of the separation of the two establishments of the Post Office—that of England and Ireland from each other. It also stated the annuity paid by Mr. Lees to Mr. Walcot, and by Mr. Walcot to Mr. Baron; and he, together with other Lords of the Treasury, as well in consideration of the actual loss sustained by Mr. Lees, as from the circumstance of that gentleman having done the business for a considerable time for a small salary, in the prospect of an increase in his profits in future, did, upon inquiry into the amount of the loss, sign an order for an addition of 400l. to his salary. As to the charge made by the honourable gentleman, that he was inclined to wink at abuses in the Post Office, or any other public establishment, it was a charge wholly unwarranted by fact, and unfounded by any reasonable presumption. So far was he from any backwardness for the reform in abuses in that office, that he had suggested a measure for the general reform of all those very abuses relative to shipping and other things which the honourable gentleman had mentioned, and that measure formed a part of the office reform bill. He then concluded, by reading the

Mr. Chancellor Pitt.

resolution

resolution which he had moved about three years ago on that subject.

Mr. Fox. Mr. *Fox* declared that it was somewhat too hard on his honourable friend to endeavour to tie him down to a completion of his report before the end of the session. It was not possible for any gentleman to answer what the sort of evidence would be that the Committee might find it necessary to have before them. Possibly they might be obliged to send to Ireland for Mr. Lees, and that would unavoidably delay the effectual proceedings of the Committee for some days. All which his honourable friend could undertake was, to proceed as far as he could, with such evidence as should be found to be within his reach; and it ought in candour to be remembered, that when his honourable friend gave notice of his intention to make his motion, he had said, that if it was thought too late in the session, he would willingly defer it till the next session. With regard to the right honourable gentleman's having signed his name to the Treasury warrant in common with other Lords of the Treasury for 400 l. to Mr. Lees, as far as that went on the ground therein stated, he had not the smallest scruple to say it was a perfectly fair transaction; but then had the right honourable gentleman the 350 l. paid to Mr. Lees for A. B. in his view at the time, because if he had, he had not merely signed an annuity of 400 l. simply to Mr. Lees, but an annuity of 400 l. in addition to 350 l. paid to Mr. Lees before, making in the whole 750 l. Mr. Fox reasoned upon this as a matter that warranted supposition, and, till it was explained, it was not unfair to presume it to be so. With respect to the sudden dismission of any of the King's servants, his notions upon that matter were rather high, as he conceived it to be the undoubted prerogative of the Crown to chuse its own servants; but if it were made out upon the proposed inquiry, that the Earl of Tankerville had endeavoured to correct the abuses stated by his honourable friend, and had suggested to the right honourable the Chancellor of the Exchequer plans of correction of those abuses, and especially of that of suffering 350 l. of the public money to be annually paid away in the name of A. B. to a person whom no body knew; that circumstance, coupled with the sudden dismission of the noble Earl, made it undoubtedly a matter deserving of censure in the Minister. But he saw a reason, Mr. Fox said, which made it little or no wonder that the noble Earl was suddenly dismissed, and which convinced him that his honourable friend's partiality to his noble relation made him rather unreasonable; for could his honourable friend imagine that any merit in his noble relation could stand a moment in the way of the present Chancel-

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lor of the dutchy of Lancaster, and first Lord of the new Board of Trade, against whose interest the dismission of a whole administration did not weigh a feather? Mr. Fox now recurred to the idea with which he had commenced his speech, declaring that he wished to press it upon the House, that his honourable friend did not accept the engagement which he had been invited to enter into, viz. that of completing his Report before the end of the session.

Mr. Chancellor *Pitt* answered, that he felt himself under the necessity of rising again to take notice of the right honourable gentleman (Mr. Fox's) point about his honourable friend (Mr. Grey) not completing his Report, and his other point relative to the terms on which the 400 l. Treasury warrant to Mr. Lees had been signed. With respect to the latter, the only grounds upon which the warrant had been signed were, as the Treasury minute stated, in order to make up to Mr. Lees, a very worthy officer of the Irish Post Office, an annuity adequate to what he lost, by the separation of the Post Offices of the two islands of Great Britain and Ireland. With regard to the honourable gentleman's not completing his Report, he must continue to think, that no honourable gentleman was warranted in bringing forward matters of change against a noble Lord and against him, unless they were prepared to render an immediate inquiry effectual and complete as to its object. Mr. Pitt added some farther general reasoning. Mr. Chancellor Pitt.

Viscount *Maitland* reprehended the choice of such a period of the session, to bring forward an attack of that sort on the character of a noble Lord, who had served the Public highly to his own credit for many years, and had been joint Postmaster with Viscount Barrington, Lord Le Despenser, and some of the first characters in the country. The subject of the proposed inquiry had been hawked about the streets of London for many months past, and had been in almost every body's mouth. Why then was it not brought forward earlier in the session when it might have been fully and completely gone through, and the blame, if any were due, have alighted upon its proper object. The present motion, upon the face of it, seemed to arise rather from resentment than justice. It looked as if it were founded in pique, and with a view to keep the noble Lord, now at the head of the Post Office, in a very disagreeable predicament, by calling his character in question, and not allowing him an immediate opportunity of clearing it from all imputation. Viscount Maitland.

Mr. *Sheridan*, defending Mr. Grey's conduct from the construction which Viscount Maitland had put upon it, observed, that it was possible some other influence had induced Mr. Sheridan.

the noble Viſcount to ſtand up ſo warm an advocate for the preſent Poſtmaſter General, than his own conviction, that his honourable friend meant any thing at all unfair in bringing forward his motion at that advanced period of the ſeſſion. The fact Mr. Sheridan aſſerted to be this. The Earl of Tankerville had himſelf intended, as was well known, to take ſome ſtep in the Houſe of Lords relative to the ſubjects ſtated by his honourable friend in his opening, nor was it till very lately that he had been informed that the only effectual and proper proceeding would be, to move in that Houſe for a Committee of inquiry. His honourable friend therefore was not at all to blame for not having brought forward the ſubject ſooner, ſince it had not been in his hands till within a few days. The moſt material part of the propoſed inquiry was the charge againſt a right honourable gentleman, the Chancellor of the Exchequer. That matter was certainly a ſerious ground of inquiry, becauſe no man in that Houſe dealt more in profeſſions; but he wiſhed to try the right honourable gentleman by his conduct, and not by his profeſſions, or the preambles of the bills which he had propoſed and gotten paſſed. The right honourable gentleman had then turned to one of thoſe bills, his office reform bill, paſſed more than two years ago, and yet that Houſe had heard nothing of the effects of that bill as to the abuſes in the Poſt Office, to which the right honourable gentleman had ſaid that it alluded. He had at the time when the bill was in agitation, ſtood up to oppoſe it, and pronounced that it would prove ineffectual, and that the ſame end might be better obtained by other and very different means. The motion of his honourable friend, and the ground of it, ſufficiently proved that aſſertion, and amply juſtified it.

Viſcount Maitland. Viſcount *Maitland* obſerved, that with regard to the influence to which his honourable friend had alluded, it was rather a delicate point for him to treat of; but thus much he would ſay, that the perſon glanced at by his honourable friend was not only to meet an inquiry into any late part of his conduct, but would not ſhrink from an inveſtigation of the whole of a life of fifty years officially employed in the ſervice of the Public.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* aſſerted that he verily believed that the honourable gentleman who roſe laſt but one, had ſpoken with his uſual ſincerity, when he ſaid, that the charge againſt the Chancellor of the Exchequer was the material part of the topics alluded to by the honourable gentleman, and he did not at all doubt but that when it was conſidered what uſe ingenuity might make of reports to diſſeminate ſtories and tales to his prejudice, that the opportunity of doing ſo was the principal ground which induced gentlemen to be ſo

anxious for the inquiry. As to the bill of reform to which he had referred, and the argument that nothing had been done in consequence relative to the Post Office, gentlemen would be so good as to recollect that the bill pointed also to other reforms of more material importance, and that the Commissioners of Accounts, from whose abilities and exertions the country had derived such very material advantages, were themselves a very considerable time before they made a Report upon that very important object of their attention, the balances in accountants' hands; but as soon as they did so, measures were immediately taken which effectually answered their end, and produced very large sums for the Public. With regard to the noble Earl having endeavoured to correct the abuses, and received commendation from him for so doing, it was undoubtedly true; but then as to any great expectations of either much advantage or much dispatch in the noble Earl's plan of reform, he could not say that he entertained very sanguine expectations.

Mr. Sheridan. Mr. *Sheridan* answered, that as the right honourable gentleman had spoken three times, he hoped he should be indulged in speaking a second time. The right honourable gentleman had, it seems, thought him ironical in saying that the most material part of the charge was that against the Chancellor of the Exchequer—[Mr. Pitt said, across the table, Directly the reverse; in that I admit, and believe you to be sincere.] Mr. Sheridan resumed his speech, and said, "Well, I am glad the right honourable gentleman admits "that I generally speak with sincerity." [No, said Mr. Pitt again, not so; but in what you have this day said against me.] Mr. Sheridan again rallied, and went into argument to prove, that the Chancellor of the Exchequer dealt more in professions than in acts. The right honourable gentleman, he observed, had said that the Commissioners, under the office reform bill, had not come to the Post Office. He asked then to what else had they turned their attention? He reminded the right honourable gentleman of his eagerness to triumph over a noble Lord (North) by his famous speech on whipcord, the kitchens of Downing-street house, and a variety of other trifling topics, which, when Chancellor of the Exchequer, he had stated as instances of the noble Lord's negligence and corruption. He dwelt upon Mr. Pitt's former argument about the kitchens, and asked how the right honourable gentleman could reconcile it to himself to have built the palace at the corner of the Admiralty, after having maintained such an argument? It was, if not a proof of corruption, at least a proof of profusion, and unnecessary waste of the public money, in the right honourable gentleman. Again, if he could not be charged with a direct cor-

rupt use of the influence of the Crown, he had made as prudent and as interested an use of it as any Minister, in the distribution of places and emoluments, and particularly in bestowing titles and honours. Upon the whole, Mr. Sheridan contended, that Mr. Pitt had always promised and professed purity, but had acted with as much self-attention, and as much neglect of reform, as any Minister whatever.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* replied, that though it was true that he had spoken three times, the honourable gentleman had made it impossible for him not to rise a fourth time and say a few words. The honourable gentleman, as usual, had grossly misrepresented facts. In the first place, he had not made the speech he alluded to, while in office, but when, on the other side of the House, from knowledge obtained, when Chancellor of the Exchequer, at the Treasury, and he had stated them to the House, not as charges against the noble Lord in the blue ribband, but as a proof of the want of regulation and check in the particulars to which they alluded. With regard to nothing having been done by way of reform, let any man look at the state of the country from the time that he came into office, and let him look at it then, and see if nothing had been done. With respect to the use he had made of the influence of the crown in advising the appointments to places, and the bestowal of titles and honours, he had done that which he should ever do, advised the crown so to exercise the royal prerogative in both those instances, as should best contribute to give lustre, vigour, and firmness to his Majesty's government, and therefore the honourable gentleman had paid him a much greater compliment than he intended.

Mr. Adam. Mr. *Adam* declared, that he thought the right honourable gentleman, Mr. Pitt, excessively reprehensible, for having introduced the name of the noble Lord in the blue ribband in his present helpless state, and made him the subject of animadversion in his absence. He began with saying, that the right honourable gentleman was correct in stating that he had been in opposition, and not in office, when he made the charges relative to whipcord, the new kitchens in Downing-street House, &c. He would not (he contended) have presumed to have said a syllable of that nature, while the noble Lord was out of office, when he thought he might have been able to have prevailed on him to join him. The noble Lord had joined himself to men of the first genius, ability, and virtue, and the right honourable gentleman had acted in a manner directly opposite; he had received those former dependents on the noble Lord, who, by their recent conduct, had proved how much the noble Lord's confidence had been misplaced, and, with their aid, he had been enabled to col-

lect his members of parliament.—[A cry of *Order! Order!*] Mr. Adam said, that he meant no offence to the House, but his zeal, his affection, his attachment to the noble Lord, had rendered it impossible for him to express himself calmly, when he heard him, in his present unfortunate condition, made the subject of personal animadversion.

Mr. Chancellor *Pitt* declared that no man could more readily forgive improper words, when dictated by affection and tenderness for an absent friend, labouring under severe indisposition, than himself; and no person regretted the cause of the noble Lord's absence more; but he could not help observing, that the honourable gentleman had not lost his temper merely, but his memory; for so far from having introduced the noble Lord's name into the debate, an honourable gentleman opposite to him had forced it upon him; neither had he made, at any time, the least charge against the noble Lord, as a ground of censure, or with a view to the charging him with corruption or criminality, but had merely, as he before remarked, stated certain proofs of the want of regulation and check in the higher offices of government as arguments in favour of the necessity for a reform. The Chancellor of the Exchequer took notice of the coalition, and said, that the persons whom the noble Lord had joined, had not been thought to include all the virtue and ability of the country until after that event. Mr Chancellor Pitt.

Mr. *Fox* observed, that his honourable friend did not impute it to the right honourable gentleman that he had charged his noble friend, who was absent, with having done any thing which bore the appearance of corruption or criminality, but with having thrown out, as loose insinuations, what he ought not to have mentioned at all, unless he had brought them forward in the shape of charges capable of proof and refutation. Mr. Fox defended Lord North from the shadow of suspicion, by declaring, that in his hottest hour of opposition to the noble Lord, when minister, he never dreamt of imputing any thing like corrupt motives to him for any part of his conduct; nor had he ever heard an individual hint at such an idea. He defended the coalition (as it was called) from an attack which Mr. Pitt had made upon it in his last speech, and said, when that gentleman had stood up in 1782, after the noble Lord had been driven from his post, and declared against a retrospect with a view to punishment, it had been imagined and understood that he wished to court the noble Lord with a view to a junction. [Mr. *Pitt* said across the table, "Who understood so?"] Mr. *Fox* replied, I did for one, and so I have reason to believe did many others, from the conversation I then held with them. Certain it was (he added) that before the coalition the right honourable gen- Mr. Fox.

tleman never expressed himself with that acrimony, which he had since used when speaking of the noble Lord.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* denied the fact, and concluded, that the right honourable gentleman chose to forget all which had passed previous to the coalition. He chose, however, to date *his* recollection from his first appearance in that House, and to appeal to all who had witnessed, whether he had not uniformly persisted in declaring, that he thought the noble Lord a bad minister, and that he never would act with him in any public situation as a minister. If the right honourable gentleman had understood that he meant to court the noble Lord's political friendship at the time which he had mentioned, as he then lived with him on terms of friendship, why did he not put the question to him fairly? The fact was, he never had afforded colour for such a sentiment being entertained by any one, and had no other motive for being against a retrospective inquiry in 1782, than that he thought the situation of the country made it more wise to press forward with a view to the future, than to look back to the past. As to charging the noble Lord with having been actuated by motives of personal corruption, he had never suggested or entertained such an idea any more than the right honourable gentleman.

Mr. Fox. Mr. *Fox* admitted, that he might not have put a question to the right honourable gentleman, but contended that he had thought so; and insisted upon it, that his manner of mentioning the noble Lord had been more guarded, and less offensive in the interval between the noble Lord's going out, and his return to office, than at any time since.

Mr. Grey. Mr. *Grey*, next, rising, directed his observations chiefly to Viscount Maitland's declaration, that the period of the session appeared to have been chosen purposely with a view to leave the inquiry unfinished; to Mr. Pitt's remarks of a similar tendency, and to his sarcasm upon the value of a noble Earl's assistance in office. Mr. Grey declared, that this motion arose from no motives of personal pique or resentment of any sort whatever; and that he possessed the materials for the charges in his mind adequate to the end proposed, since he held in his hand a copy of the memorial of Mr. Lees, and other documents important to the charges. Before he sat down, he took notice of the Chancellor of the Exchequer's argument, which he thought unwarrantable and injurious to his honour, and said, that no man should *dare* to question the purity of the principles on which he acted.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* answered, that the honourable gentleman arrogated somewhat too much to himself, if he conceived that he should not take the liberty of calling his motives in question as often as his conduct warranted such a freedom.

dom. If the honourable gentleman chose not to have his motives questioned, he must take care that his conduct was such, as not to render it necessary.

Mr. *Grey* replied to Mr. Pitt, declaring, that he should never act in that house upon any principle which did not appear to him to be honourable; and while he was conscious that his conduct was governed by the unerring principles of honour, if any person chose to impute dishonourable principles to him, he had those means in his power, to which it would then be proper to resort. Mr. Grey.

Mr. Chancellor *Pitt* and Mr. *Sheridan* rose together; but, the latter declaring that he flattered himself that the House would wish rather, in *such* a moment, that he should delay the right honourable gentleman's speaking for a very few seconds, was heard first. Mr. Sheridan then said, that his honourable friend, he saw clearly, had mistaken the Chancellor of the Exchequer's meaning, but his words hardly heard, might, at their first sound, have made the sort of impression which he perceived they had made on his honourable friend; though he was ready to admit that this was not their true meaning. Mr. Sheridan.

Mr. Chancellor *Pitt* rose again and declared, that he had not before spoken with heat, nor should there be any heat in what he was going to say. He then deliberately repeated the argument of his former speech, and added, that with respect to any means to which the honourable gentleman, in that case, might wish to resort, it would be for himself to determine whether they were proper or not. Mr. Chancellor Pitt.

Mr. *Steele* remonstrated against (what he called) the sort of tone of defiance, which the honourable gentleman had assumed, and which could not but prove painful to every gentleman's breast. He desired to ask the honourable gentleman, if, in his own opinion, he had the means in his power to complete the inquiry for which he had moved. If he had not, he would say that it was unworthy a member of parliament to have opened, at that period of the session, a matter involving a charge against the noble Lord at the head of the post-office, and against his right honourable friend, and leaving them both in suspence before the public. Mr. Steele.

Sir *James Johnstone* declared, that he would suspect whom he pleased. He would suspect the Speaker; he would suspect my Lords the Bishops; he would suspect every man in that House; he was sent there to suspect them all, and he dared to do his duty, and to declare that he would do it. Sir James Johnstone.

Mr. *Grey* declared, that he meant not to assume a tone of defiance, nor was he conscious that he *had* assumed it. As to the question which the honourable gentleman had put to him, he had, in *his* mind, proof sufficient of the facts which Mr. Grey.

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he had stated, if Mr. Lees' memorial to the Postmasters General was admissible as evidence.

At length the Speaker put the question, and it was carried. The Committee was nominated, and invested with the usual powers of calling for persons and papers.

The House adjourned.

*Wednesday, 16th May.*

Mr. Dempster. Mr. *Dempster* begged leave to observe (while the House were in a Committee on the Scotch thread bill) that he meant not to oppose giving a bounty for one year only, instead of seven years, as had formerly been the regular practice. He knew the reason was, that some alterations of the duties on foreign linens were in contemplation. He rose merely to enter his protest against any reduction of the duties on foreign linens, as prejudicial to his constituents, declaring that under the bounties, Scotland had risen to a flourishing state.

Mr. Ald. Le Mesurier. Mr. Alderman *Le Mesurier* rose to preface a motion for referring the petition of the city of London against regrating to a Committee, with a few arguments, but the Speaker calling for the motion, the Alderman handed it to the chair, unapprized, perhaps, that by suffering it to be read in form from the chair, he lost the opportunity of speaking first in the debate.

There being a pause before any person rose, the Speaker asked, "who seconded the motion?"

On which Alderman Newnham seconded it.

Alderman Townsend. Alderman *Townsend* declared it, in his opinion, to be a motion founded neither in necessity nor wisdom, nor fit for the House to countenance. There was, and had been plenty of cattle at Smithfield all the winter, and as the season advanced, the price of butchers meat would undoubtedly be cheaper. He reminded the House that the laws against forestallers and regrators had long since been repealed on the recommendation of the present Chief Justice of the court of King's bench, and asked, if the House would, upon the suggestion of a committee of common council men go back and revive what the deliberative wisdom of the Legislature had upon experience determined should no longer exist? There were some vexatious suits (he understood) now going on upon some obsolete statutes, and if the present motion were listened to, and the proposed end of it carried into effect, vexatious prosecutions would be multiplied, and the only object obtained would be, that a few common council men would be fed more cheaply than at present. He hoped, therefore, that the House would not suffer the petition to be referred to any committee, but, reject the motion at once. After a few more reasons against the

the exiſtence of any neceſſity for reviving the laws againſt foreſtallers and regrators, the Alderman moved, "that the "motion be negatived."

Mr. Vyner. Mr. *Vyner* obſerved, that although there had not appeared to be any perſon ready to ſecond the motion of the honourable Alderman, who ſat on the other ſide of the Houſe, he roſe without heſitation to ſecond that of the worthy Alderman who ſpoke laſt, which he thought the motion moſt proper to be made on ſuch an occaſion. The worthy Magiſtrate, had, ſo fully ſtated why the landed intereſt was not to be wantonly ſacrificed, to the capricious ſpeculations of the common council of London, that he believed it would be better for him not to ſay any thing farther on the ſubject. One obſervation only he would make, and that was, that after the Legiſlature, acting upon experience, had thought proper to repeal the laws againſt foreſtallers and regrators, he conſidered the petition in queſtion, and the attempt to refer it to the conſideration of a Committee, as an affront to the Houſe.

Mr. Burke. Mr. *Burke* obſerved, that he felt it difficult to refrain from ſmiling, whilſt he diſcovered that the honourable Alderman and common council of London were ſo extremely anxious to be well fed. He preſumed that the application to revive the laws againſt foreſtallers and regrators came from the aldermen concerned in it, after dinner, for, their petition had all the marks of plenitude about it. It was (he obſerved) an old ſaying, "that Heaven ſent proviſions, but that the devil ſent cooks." So, in this caſe, he conceived, that having fed heartily, the aldermen went to quarrel with the cooks; but he adviſed them to think better of the matter. He begged them, at all events, not to be uneaſy; for, if meat had been a little dear, when the price of feeding cattle was alſo dear, it would be conſiderably cheaper day after day, that there was already plenty of nice lamb at market, and in conſequence of the kindneſs of Providence lately ſhowered down upon the earth, the green peas were coming in, and every other article of luxury, both of meat and vegetables. As the aldermen undoubtedly wiſhed to enſure the continuance of having their napkins tucked under their chins, and as he was alſo deſirous they ſhould continue to make that characteriſtic appearance, he ſhould oppoſe the motion for reviving the laws againſt regrators and foreſtallers. While they had plenty of proviſions, he adviſed them not to want to go to loggerheads with the providers; but, to let them fatten as well as themſelves. In the inſtance before the Houſe, they certainly acted under a miſtake; but, the errors even of the city of London were reſpectable; nay their very ignorance ought not to be deſpiſed; and indeed they were ignorant only as to the manner of their being fed, as every body well knew. As he had been

the humble instrument of moving the repeal of the laws against forestallers and regrators, he wished to stand up and prevent the dry bones of those gibbited laws from being again cloathed with flesh, and called from their merited fate into existence; but as he wished to treat the city of London with good humour, as they were willing to treat every body who visited them with good cheer, he should hope that so harsh a measure as rejection would not be adopted; but, that he might be permitted to move to put off the consideration of the motion till the first of August, by which time the aldermen would have had a sufficient number of delicious dinners to convince them in their own way, of the impropriety of their purpose, as well as of its being altogether unnecessary. Mr. Burke talked of the commerce of provisions, opposing it to commerce properly so called, and begged leave to ask the worthy Alderman, who had introduced the business, whether he was not aware that a free commerce was that species of commerce most likely to flourish and to prosper? Let him, therefore, question himself whether a free commerce in provisions was not likely to make a plentiful and a cheap market; and, as forestallers and regrators were in that kind of commerce, what the factor, the warehouseman, and the merchant were in the other, so let them alone, and then as great a variety and as large a quantity of provisions would be brought to London, (of itself an absolute desert in that particular respect) as of muslins, silks, and spices and teas from the East; of lumber, and staves and rice from the West; of furs, and timber, and hemp, and pitch and tar, from the North; of slaves, and gold dust, and drugs, and colours, from the South. Mr. Burke concluded with saying, that if the worthy Alderman would be so good as to withdraw his motion, he would move that the motion be taken into consideration on the first of August.

Alderman Townsend.

Alderman *Townsend* answered, that he would readily consent to withdraw his motion.

Mr. Alder. Le Mesurier

Mr. Alderman *Le Mesurier* observed, that the good humour with which the right honourable gentleman had treated the subject, disarmed his anger, otherwise he should have spoken warmly of the expression of an honourable gentleman (Mr. Vyner) who said that the application was an affront to the House. The Alderman declared that he had constantly understood that any body of subjects enjoyed an undoubted right to come to that House, complain of their grievances, and ask for redress. The petitioners had done no more; but, as it did not meet with the concurrence of the House, he would not press the application at present. All to which his wishes tended was for leave to have brought in a bill, to have had it printed, to have let it then go over to the next session,

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when, after the country had seen and understood it, the House would be better able to decide upon its true merits. The Aldermen of London (Mr. Le Mesurier admitted) were fair game; but then, it ought to be considered that they were a very small number, indeed, compared to their fellow citizens, and the inhabitants of the metropolis. If they fed upon the good things of this life, it was their duty to take care of the millions connected with them, and to see that they had provisions as cheap as their circumstances made it necessary. With regard to the commerce of trade in general, and the commerce of provisions, the comparison did not hold at all. Any coat would keep a man warm, but he must have something to eat, or starve. There were laws against forestallers and regrators yet unrepealed, and he begged the House to recollect, that they were not passed in unpopular reigns, but in the reigns of Edward IV. Henry V. William III. and reigns of those complections and characters.

Alderman Newnham.

Alderman *Newnham* begged to say a few words, and first he wished to take notice of the observation of an honourable gentleman (Mr Vyner) who had remarked that no gentleman seemed ready to second the motion before he came down to the House; but he had waited to hear the honourable magistrate's arguments before he rose to second him, as he undoubtedly expected that he would have stated some arguments as the grounds of his motion. His not having stated any was the cause of the delay which occasioned the pause, which gave rise to the honourable gentleman's observation. With regard to the laws against regrators and forestallers, undoubtedly the repeal of them, generally considered, was a wise measure: but, then there were regulations necessary of a moderate nature, which (he conceived) need only to be stated to be assented to universally. Smithfield, for instance, was the common market of the metropolis. Smithfield, consequently, ought to afford a true test of the plenty or scarcity of the season. At present, it did not, by any means, because the cattle which were sent to town by the feeders in different parts of the kingdom, did not come to Smithfield, but were stopped in their way, bought up at Finchley or Islington; Rumford or Stratford; Hounslow or Hammersmith; Edgware or Marybone; Croydon, Kingston, Bromley, or Dartford; withholden from Smithfield, and an artificial scarcity created, and all the effects of it produced, when there was a real plenty. What he wished, therefore, was, that the cattle designed originally for the London markets, should be obliged to be brought to Smithfield, and there, fairly sold. By such regulation, all parties would stand upon an equal footing; the farmer, the feeder, the drover, the salesman, the butcher, and the public.

Sir Watkin Lewes. Sir *Watkin Lewes* obferved, that notwithftanding the apparent impatience of the Houfe, he could not fuffer a motion which related to a matter of fo much confequence, to pafs, much lefs to be negatived without troubling them with fome neceffary remarks. The object of the motion was, undoubtedly, of great importance, and deferved to be treated in a different manner. The committee appointed by the corporation of the city of London had taken great pains to inveftigate the caufe of the high price of provifions, and had correfponded with the different corporations throughout the kingdom, who had concurred in their wifhes that fome remedy might be adopted to reduce the high price of provifions the public were too much interefted, and their expectations that the abufes ftated would have been remedied, too much raifed to prevent their feeling themfelves hurt at the difappointment, and particularly, at the manner in which the fubject had been treated. He had heard no argument which carried any weight in his mind againft the motion. Ribaldry had been fubftituted in its room, unworthy the dignity of that Houfe, or the importance of the fubject, and he fhould certainly give his fupport to the motion for bringing in the bill, for it was not propofed to be paffed into an act of parliament this feffion, that it might be fubmitted to the obfervations of thofe competent to give an opinion on the fubject—he hoped that by the next feffion, the bill might be fo matured as to deferve the approbation of that Houfe.

The motion for referring the petition was negatived.

The Houfe adjourned.

*Thurfday, 17th May.*

The report was brought up from the Committee, in which the charges refpecting the mifdemeanors committed in Oude, by Warren Haftings, Efq. was fubftantiated. After it was received and read,

Mr. *Burke* moved that it might pafs as another article of impeachment againft Warren Haftings.

Major Scott. *Major Scott* objected to it, on the principle of the charge not being a fubject in which the conduct of Mr. Haftings could be the leaft perfonally concerned. On the contrary, he conceived that if it paffed, it would prove the total deftruction of the whole government of Bengal. He faid that other members in the Houfe entertained the fame fentiments, but if they did not chufe to deliver them, he fhould not trouble the Houfe any more upon the fubject.

The queftion was then read and paffed.

Mr. Burke immediately took it to the Lords.

Mr. Adam. Mr. *Adam* begged permiffion to remind the Houfe, that on a former occafion, he had intimated an intention of calling the

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attention of members to the ſtate of the Weſt-Florida Loyaliſts—They had ſuffered much, in conſequence of their attachment to this country.—Their property had been ceded by government, as a price of peace, and they now only wanted that recompence to which they were juſtly entitled. He therefore only deſigned, for the preſent, to repeat that, on the morrow, he would direct the attention of the Houſe to the conſideration of their very unfortunate condition.

Meſſrs. John Miller, Peter Swainſon, —— Stoddart, and John Macgillivray, wiſhing to eſtabliſh a ſeparate claim from their fellow ſufferers in Weſt Florida, and having preſented a petition to the Houſe with that view,

Mr. *Dempſter* rofe to ſupport their cauſe—the nature of which, in his opinion, particularly merited the attention of that Houſe.—During the ſiege of Mobille, Governor Dunford applied to the petitioners for ſome negroes, and a certain quantity of ſtores, to enable him to defend the fortreſs, promiſing, at the ſame time, to make them full reſtitution for the amount.—Soon afterwards he was obliged to ſurrender the place, and conſequently, every article found in the garriſon was either deſtroyed or confiſcated. Mr. Dempſter.

In the year 1782 the petitioners returned to England, and not entertaining the ſmalleſt doubt of obtaining from the Treaſury the payment of thoſe articles which were abſolutely furniſhed to Government, for the expreſs purpoſe of defending the garriſon at Mobille, made application accordingly. After experiencing the uſual delays of office, for a very conſiderable time, they were, at laſt, referred to the Board of Ordnance—there their claim underwent a ſecond inveſtigation, and was afterwards rejected—without any reaſon being aſſigned for the denial. The next ſtep which the petitioners thought it adviſeable to adopt, was the commencement of a proſecution in the court of King's Bench, againſt Governor Dunford—but the court refuſed to ſuſtain any action againſt His Majeſty's commanding officer, conſidering the ſituation in which he was, at the time the ſtores were ſupplied him for the defence of the garriſon.

Having ſtated theſe particulars, Mr. Dempſter reaſoned on (what he termed) the glaring injuſtice which the petitioners had evidently met with—and, as part of his argument, quoted ſome paſſages from the Chancellor of the Exchequer's ſpeech againſt Mr. Haſtings' conduct in Oude, relative to the unwarrantable ſeizure of the Begums property. The right honourable gentleman had (he remarked on this occaſion) admitted, that ſituations might ariſe in which the ſeizure of private property for the public defence would prove warrantable—but under expreſs promiſe of recompence. Mr. Dempſter adverted to this poſition, as applying, in a great degree, to

the matter in queſtion; and concluded with moving, "That "an humble addreſs be preſented to His Majeſty, requiring "that proper means might be taken for aſcertaining the juſ- "tice of the ſaid claim, and aſſuring His Majeſty that what- "ever ſums might appear due to the claimants would be in- "cluded in the next vote of aid."

The motion being read, and afterwards ſeconded by Mr. Pultney,

Mr. Pitt. Mr. *Pitt* begged leave to ſtate to the Houſe the real ſtate of this buſineſs. The requiſition of the petitioners had been firſt ſubmitted to the Treaſury—the Treaſury, however, had referred it to the Board of Ordnance; but the Board of Ordnance had expreſsly refuſed to grant their demands. An action on the caſe had been brought into the Court of King's Bench, and, *there*, the claim had been found to be unqualified. Here then was a caſe which had been ſubmitted to the deciſion of various judicatories, and, by *each*, found untenable. Was it then proper for the Houſe to liſten, ſeriouſly, to a plea of ſuch a nature, and which had, in ſo many inſtances, ſhared uniformly the ſame fate? But, abſtracted from this conſideration altogether, on what principle of juſtice could the petitioners vindicate their claim? It was true, that this property had been given to the commanding officer of *Mobille*, and applied by him for the defence of the garriſon and the fortreſs—but, certainly, that property would, eventually, have fallen into the hands of the enemy, had it remained in the hands of its original poſſeſſors; ſo that, in fact, they would have been deprived of it, at all events. He, therefore, could by no means admit their plea, or concur in the motion.

Mr. Dempſter. Mr. *Dempſter* contended, that, in none of the courts to which alluſion had been made, had the *point of juſtice* been decided, or even diſcuſſed. This, therefore, was a queſtion ſtill open to inveſtigation, nor did he conceive that this matter could be any where better decided than in that Houſe.

Mr. Steele. Mr. *Steele* anſwered, that he could corroborate the ſtatement of his right honourable friend, with regard to the proceſs which this buſineſs had undergone at the Treaſury and Ordnance Boards. He mentioned, that no *ſpecific bargain* was made with the Governor of Mobille, for the neceſſaries which were given to him—and that conſequently it became ſomewhat difficult to aſcertain the *real* amount of the claim. Mr. Dunford, on his return home, only gave into the Treaſury a memorandum of ſuch articles having been received—but *forgot* to ſay that he had made any kind of agreement for the payment of them.

Mr. Pulteney. Mr. *Pulteney* obſerved, that he could not avoid reprobating the mode of reaſoning employed by the right honourable gentleman

tleman (Mr. Pitt) and urged, that if the property of the petitioners was received by the commanding officer, for the defence of the garrison, government ought to pay for it without any respect to future consequences.

Mr. *Pitt* having re-stated what he had formerly thrown out, the question was put, and Mr. Dempster's motion was negatived without a division. Mr. Pitt.

The House adjourned.

*Friday, 18th May.*

Mr. *Francis* reported from the Committee, to whom it is referred to prepare articles of impeachment against Warren Hastings, Esq. late Governor General of Bengal, that the Committee had, pursuant to the order of the House, prepared a clause, saving liberty to the Commons, to exhibit any farther articles of impeachment against the said Warren Hastings, Esquire, that he may be put to answer the same; and he read the report in his place, and afterwards delivered the clause in at the table, where the same was twice read, and agreed to by the House. Mr. Francis

Ordered, "That the said clause be ingrossed, with the seventh article of impeachment against the said Warren Hastings, Esquire."

*The Committee appointed to inquire into the abuses in the Post-office, made the following report:*

The Committee appointed to inquire into certain abuses in the Post-office, met, according to the order of the House, and proceeded to examine the same.

"A narrative transmitted to the Post-office here, by John Lees, Esq. Secretary to the Post-office in Ireland, was presented to your Committee; and your Committee finding matter therein, which appeared highly deserving of farther investigation, examined the Earl of Tankerville, late Post-master General; John Walcot, Esq. agent to the Post-master General at Dover; Anthony Todd, Esq. Secretary to the Post office; and Pellegrin Treves, Esq.

"That it appeared to your Committee from the evidence of these persons, that Mr. Lees, on his receiving his appointment of Secretary to the Post-office in Ireland, entered into a security, to pay the sum of 350l. sterling a year, out of the profits and emoluments of the said office, to a person described by the said Mr. Lees, by the letters A. B. and whose real name it appears by a letter from Mr. Lees to Mr. Todd, likewise laid before your Committee, Mr. Lees considered himself bound to conceal. That the annual payment aforesaid, was to take place on the death of a Mr. Barham, an ancient and meritorious officer in the service of the Post-office;

and who had, as a reward for his services, been permitted to retire, with the enjoyment of the emoluments attendant upon the office of agent to the packet boats at Dover. That it appeared to your Committee, that Mr. Treves was the person to whom the annual sum of 350l. was to be paid; and that the security for the payment thereof, was given by Mr. Lees and Mr. Walcot to Mr. Treves; that the payment of this sum was required of Lees, as the condition of his appointment to the office of Secretary to the Post-office in Ireland, vacant by the resignation of Mr. Walcot, who was appointed in the room of Mr. Barham. That Lord Carteret, who was joint Post-master General with Lord Le Despencer, at the time of the above appointment, was privy to the same; and that the engagement to pay Mr. Treves 350l. a year, after the death of Mr. Barham, was, in fact, the condition of the appointment of Mr. Lees. That it appeared to your Committee, that Lord Carteret had been greatly displeased and disquieted by the discovery of this transaction, contained in the narrative of Mr. Lees, already mentioned.—That Mr. Todd, who has for many years past been Secretary to the Post-office, informed your Committee, that such a transaction was totally unprecedented; and that he expressed his disapprobation of it to both Post masters General, at the time it took place.

"That it farther appeared to your Committee, from the examination of Mr. Todd and Mr. Treves, that a payment of an annuity of 200l. a year, had been exacted from a Mr. Dashwood, appointed to the office of Post master General in Jamaica. That this annuity was exacted from Mr. Dashwood, as the condition of his appointment to the last mentioned office, and has been regularly paid by him to Mr. Treves, who has never performed any public service in the Post-office, or in any other public department, to entitle him to any public reward.

"That it farther appeared to your Committee, that Crisp Molineaux, Esq. agent to the packets at Helvoetsluys, was permitted, with the knowledge of Lord Carteret, to dispose of his office to a Mr. Hutchinson, for a sum of money. That complaints have been made against Mr. Hutchinson, for improper conduct in his office. That a letter was written to him, from the Post-office, in the month of January last, by the order of Lord Carteret, informing Mr. Hutchinson, that if he did not perform his engagements to Mr. Molineux, Mr. Molineux must have his place again. That it appeared to your Committee, that Mr. Molineux was, from his situation, incapable of discharging the duties of his office; and that Mr. Hutchinson had not properly discharged those duties.

"That it appeared to your Committee, that none of these transactions were entered in the books of the office, but, on the contrary, had been kept concealed.

"That it farther appeared to your Committee, that upon the death of a Mr. Allen, a Mr. Staunton, post-master at Isleworth, a place worth 400l. a year, and upwards, was, in addition thereto, appointed Comptroller and Resident Surveyor of the Bye and Cross road Letter Office, to which a salary of 500l. a year, and the perquisites of coals and candles is attached. That a house has always been attached to this department; that his Majesty's First Lord of the Treasury expressed his desire to the Post-masters General, that the house attached to this department, might be allotted for another purpose, in order to save the expence of an additional house to the public. That Lord Carteret proposed to the Board at the Post-office, that an allowance of 100l. a year should be made to Mr. Staunton, in lieu of his house. That Lord Tankerville resisted the same; that since Lord Tankerville's removal from the office of Post-master General, that allowance has been made. That the peculiar motives to these various instances of undue preference, as well as the objections to Mr. Staunton, being the object of them, appear more fully from Lord Tankerville's narrative.

"That it appeared to your Committee, as well from Lord Tankerville's evidence, as from the correspondence and narrative delivered in by his Lordship to your Committee, that he had made frequent representations to His Majesty's first Lord of the Treasury, respecting the abuses which he had discovered in the Post-office, and that he was encouraged in the belief, that he would have the support and assistance of Government in redressing the same: That he was soon after such encouragement removed from his office of Post-master General.

"That during these inquiries, the attention of your Committee was directed to a specific charge against Lord Tankerville, stating his having countenanced a corrupt transaction, respecting the appointment of a Mr. Peisly, to be coal-merchant to the Post-office; which charge was, upon full inquiry, discovered to have arisen upon a misapprehension, and to be totally without foundation.

"Your Committee, likewise, received information respecting the origin of the misunderstanding between Lord Tankerville and Lord Carteret, which is alledged to have arisen in the proposed nomination of a Mr. Dashwood, by Lord Tankerville, to the office of riding surveyor, against the opinion of Lord Carteret, and when Mr. Dashwood had been charged with having committed several frauds, as master and

captain

captain of a packet, and for which he had been dismissed the service.

"The evidence of this transaction, appears in the Appendix to the Report; but as this matter is not stated as an abuse practised in the Post-office, but as the commencement of a difference between the Post-masters General, your Committee do not consider it as within their province, to report upon the merits of the case.

"That it farther appeared to your Committee, that various and extraordinary abuses exist in the management of the packet boats; particularly, that no deductions have been made from the hire of any of the packet boats, whilst under repair, seizure for smuggling, or when unemployed, and that they have been for many months together in that situation.

"That it farther appeared to your Committee, that the receipt of perquisites, and incidents by the Post master General, particularly in coals, candles, and tin-ware, were excessive; and that various articles of furniture have been improperly, and contrary to precedent, supplied, to persons having appointments under the Post-office; respecting all which matters your Committee have inserted several papers, in the Appendix to this Report.

"That, owing to the short time in which your Committee have been engaged in this inquiry, they are unable to report the different matters which they have inquired into so particularly as the extent and nature of the abuses seem to require; but they think it their duty to state generally, that great and weighty abuses appear to them to have prevailed in the department of the Post-office, and such as seem to call for a farther strict and immediate inquiry, and a substantial reform; the more especially as it appears, that the Commissioners appointed, two years ago, to inquire into fees, gratuities, perquisites, and emoluments, have not hitherto made any inquiry whatever into the abuses of the said department. Notwithstanding that the same have been of great public notoriety, and that many of them were distinctly detailed to His Majesty's first Lord of the Treasury, by Lord Tankerville, previous to his dismission from the Post-office.

"That your Committee being pressed in point of time, have not been able to include in their report, all the matter contained within their minutes; and therefore, that the House may be fully informed of the nature of their inquiries, they have annexed their minutes to their report by way of appendix."

On the report of the bill for making compensation to the American claimants,

Mr. Dempster brought up a clause for including persons who

who suffered, in consequence of debts and mortgages in America not recoverable by the laws of the States.

Mr. Pitt stated that there was still an expectation of having such debts legally recovered; after which the clause was negatived on the third reading.

Mr. Adam.

Mr. *Adam*, in pursuance of a former intimation, took up the subject of the West Florida loyalists, and asserted their claim to compensation from the Public. In the commencement of the American war the inhabitants of this country had been solicited to accede to the general confederacy for effecting their independence from Great Britain: having loyally and meritoriously resisted the invitations of their countrymen, they were consequently subjected to depredations and hostilities, which could not fail of being materially injurious both to their persons and their property. They were afterwards, from local situation, exposed to the attacks of the Spanish arms, which, after a brave and vigorous resistance, finally prevailed over them. It remained then for him to shew, that in theory and in fact there existed no distinction between *their* situation and that of the people of East Florida, but what must operate in favour of the former: their situation by the articles of the peace was described and considered precisely in the same manner; and instead of saying that one province was conquered and given up, it was expressly stated that both of them were *ceded* to his Spanish Majesty. Being then equally circumstanced in theory, in fact they were equally entitled; for a part only, and not the whole, was conquered by Spain, and the remainder was ceded in the same manner as East Florida, being the price of peace. If, according to the usual practice of the law of nations, they had been secured in their religion and privileges, this application might have been rendered superfluous.

But should they not succeed in their claims, he would leave the House to determine how far such discouragement may operate in preventing similar loyalty and resistance in future: this case could not prove, as had been apprehended, a precedent for more extensive demands, as it stood alone, and was of a peculiar nature. A merchant had an opportunity by insurance of securing himself in at least part of his property; the present petitioners had no such advantage; and though neither this, nor the demands of the loyalists in general, could be made as a matter of right, yet surely it pressed upon the House with stronger claims on their humanity and feeling. He did not expect that the object he wished for would be completely obtained during the present session in its now advanced state, but to give at least some satisfaction to the unhappy sufferers, he moved, "that a

"Committee be appointed to inquire into the losses and "claims of the loyalists in West Florida, and to report "their opinion to the House."

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* professed himself fully sensible of the bravery and meritorious services of the people of West Florida, and extremely affected at the inconveniences to which they were subjected; but was at the same time convinced, that an acquiescence in the present motion would be a precedent for applications the most extensive and endless. There were many great authorities in this country, who thought the liberality of Parliament rather too far stretched in the case of the claimants of East Florida; but hitherto he had not heard any thing urged, which brought the present application on a level with them. If East Florida had been ceded as a point of immediate urgency and the immediate necessities of war, their demands could not have been countenanced, however reasonable they might be, when they had been delivered up in a time of peace by a deliberate act of the Legislature. The fortune of war had put the present petitioners under the dominion of the King of Spain, after our arms were no longer able to protect them; and in remaining so, they must only submit to what was often the fate of other nations, and what every other country was liable to when in a state of warfare. He did not conceive their similitude to the situation of merchants to be done away by the observation, that the latter may *insure*; for even then the bounty on insurance must be an infallible loss; and perhaps on the balance those who used such precautions were found not to profit more than those who took all hazards. On the whole, he felt himself much more inclined to resist this application in the first instance, than to amuse the petitioners with hopes which would never be realised; and would therefore oppose the motion.

Mr. Pulteney. Mr. *Pulteney* contended for the justice of the present claims by stating, that many of the sufferers were persons from other parts of America, who in consequence of a manifesto were induced to pass into West Florida, where they served very valiantly against the enemy.

The question was put, and negatived without a division.

Major Scott. Major *Scott* expressed his wishes that an accurate copy of Mr. Hastings' impeachment might be laid before the House for the purpose of rendering the members fully possessed of the variations to which he understood that it was liable.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* did not think that there were any variations but such as arose from the additional charges.

Mr. Adam. Mr. *Adam* mentioned, that the only alteration made in the original copy, was that of *president* for *governor*.

Lord

Lord *Mulgrave* presented a petition from several ship-owners in the port of London in support of the bill, and then moved, "that the bill be now read a second time."

Mr. Chancellor *Pitt* begged leave to remind the House, that when some gentlemen opposed the first reading of the bill, he expressed his wishes to have it discussed on account of the importance of its object and the necessity which there seemed to be of something being done in it. At the present, however, he should rejoice to find the business postponed, because he now knew it to be impossible that the bill should pass through that House (much less the House of Lords) in the present session; and postponing it in this stage of the business, a very heavy expence would be saved to the persons who had applied for the bill. When he had said thus much, however, he begged that gentlemen would not misunderstand him as having the smallest desire to get rid of the bill; on the contrary, he was convinced that it was a matter of the greatest importance, both as it involved in it the first interests in this kingdom, and as it related to the parties who sought relief: they were men as valuable and respectable as any men whatever; they had distinguished themselves in promoting the interests of the nation, and every way merited the particular attention of Government; nor were their complaints ill founded. By the unquestionable information which he had received from the most respectable quarters, he was convinced that there were many and various abuses in the trade, for which the existing laws provided no effectual remedy; he saw, therefore, the necessity of a reform, which ought to be gone into as speedily as possible; yet, when he considered that it was but the second reading of the bill, that from the necessary forms of the House it would take up ten or fourteen days at least, and consequently could not be gone through this session, he would advise and request his noble friend (Lord Mulgrave) to postpone the consideration of it till the next session, to save at once unnecessary trouble to the House and a very great expence to the parties concerned. An idea had been thrown out by honourable gentlemen (Sir Matthew White Ridley and Mr. Brandling) that during the recess such a bill might be prepared, as could be brought in with the consent of all parties; he should be glad to find it so; but if this could not be done, some effectual remedy must be applied to the evils complained of, and therefore the business must and should be resumed very early in the following session. He concluded with observing, that his noble friend (Lord Mulgrave) had great merit in the part which he had taken, and deserved the thanks of his country for bringing

Mr. Chancellor Pitt.

forward a matter in which its most valuable interests were materially concerned.

Lord Mulgrave. Lord *Mulgrave* said, that after what had been urged by his right honourable friend, it would be impossible for him not to consent to the business being postponed: he would only add, that the reasons which induced him to bring it forward so late in the session, were not only the great anxiety which the aggrieved party must feel, situated as they were, but more especially the consequences which might follow to this country from the decay of such an important trade. Those who objected to the bill had certainly mistaken their own interests; but if by postponing the bill to the next session measures should be adopted in the recess to bring forward a bill by the consent of all parties, he should feel great satisfaction.

Mr. Brandling. Mr. *Brandling* approved of the adjournment of the second reading.

Mr. Orde. Mr. *Orde* said, that he did not know that there was any thing objectionable in the bill, but certainly *they* (meaning the opponents of it) were not to be driven in the compulsory manner which had been attempted by the agents of the bill: if both parties understood their interests, they would next session bring forward a bill by mutual consent.

Lord Mulgrave. Lord *Mulgrave* rose in defence of the persons who had applied for the bill: he had forborne to make any comparison between the conduct of those gentlemen and their opponents—he wished that gentlemen had followed his example, as he feared that they would gain little by the comparison. He was compelled to declare, that the persons alluded to were men of the fairest character, and had conducted themselves in a manner perfectly cool and dispassionate; they had acted at the desire of 688 proprietors of shipping, whose property in the trade amounted to more than 2,000,000 l. and whose ships employed upwards of 12,000 men. The petitions for the bill were signed by most of the ship-owners in every port from London to the river Tyne.

Sir M. W. Ridley. Sir *Matthew White Ridley* complimented the Chancellor of the Exchequer on his conduct, as (he said) it would prevent animosities and serious consequences.

Mr Wilberforce. This called up Mr. *Wilberforce*, who said that the honourable Baronet had misunderstood his right honourable friend (Mr. Pitt); he had not wished to postpone the bill on the ground which that honourable Baronet *seemed* to suppose, but merely because it was too late in the present session to go through with it; and his right honourable friend had observed, that it must be brought forward again early in the beginning of the ensuing session.

Sir

Sir *Matthew White Ridley* observed, that he was sorry if he had misrepresented the right honourable gentleman. Sir M. W. Ridley.

The second reading of the bill was postponed for three months.

The House adjourned.

*Monday, 21st May.*

The Chancellor of the Exchequer brought in the following message, which was handed to the chair, and read by the Speaker.

"GEORGE REX.

"It is with great concern His Majesty acquaints the "House of Commons, that from the accounts which have "been laid before His Majesty by the Prince of Wales, it "appears that the Prince has incurred a debt to a large "amount, which, if left to be discharged out of his annual "income, would render it impossible for him to support an "establishment suited to his rank and station.

"Painful as it is at all times to His Majesty to propose an "addition to the heavy expences necessarily borne by his "people, His Majesty is induced, from his paternal affec-"tion to the Prince of Wales, to recur to the liberality and "attachment of his faithful Commons for their assistance, "on an occasion so interesting to His Majesty's feelings, and "to the ease and honour of so distinguished a branch of his "Royal Family.

"His Majesty could not, however, expect or desire the "assistance of this House, but on a well-grounded expecta-"tion that the Prince will avoid contracting any debts in "future.

"With a view to this object, and from an anxious desire "to remove any possible doubt of the sufficiency of the "Prince's income to support amply the dignity of his si-"tuation; His Majesty has directed a sum of 10,000 l. "*per annum* to be paid out of his Civil List in addition to "the allowance which His Majesty has hitherto given him; "and His Majesty has the satisfaction to inform the House, "that the Prince of Wales has given His Majesty the ful-"lest assurance of his determination to confine his future "expences within the income, and has also settled a plan "for arranging those expences in the several departments, "and for fixing an order for payment under such regulations "as His Majesty trusts will effectually secure the due exe-"cution of the Prince's intentions.

"His Majesty will direct an estimate to be laid before the "House, of the sum wanting to tomplete, in a proper man-"ner, the work which has been undertaken at Carleton

"house,

"house, as soon as the same can be prepared with sufficient "accuracy, and recommends it to his faithful Commons to "consider of making some provision for that purpose."

"G. R."

Mr. Alderman Newnham.

Mr. Alderman *Newnham* rose, as soon as the message had been read to its conclusion, and addressed the Chair in the following words:

"I confess, Sir, it is with considerable exultation that "I find that none of those predictions or prognostications, which, as an honourable gentleman observed, were "chorussed all around me on a former occasion, have in the "smallest degree been realized. I do not pretend to arrogate to myself that any thing which I have done has promoted this happy event; but it is my boast that nothing "I have done has prevented it. Amidst the general joy "that glows in every breast that has thought upon the subject I receive the most heart-rfelt satisfaction. I most sincerely rejoice that the Prince of Wales, whom I admire "and revere, will obtain relief in a mode, I am sure, far the "most satisfactory to him. I rejoice, that by this His Majesty will have his comfort and his glory secured and promoted; and I most sincerely hope, that no event may ever "happen to interrupt their felicity, but that paternal love "and protection on the one part, and filial gratitude, duty, "and affection, on the other, may flourish and increase for "the rest of their lives."

Mr. Rolle.

Mr. *Rolle* observed, that he was extremely happy to find that the business was at last brought to that shape and form; that he would meet it fairly, but as he did not wish to anticipate the debate, he would merely say, that he was of opinion that the list of the debts of his Royal Highness ought to be laid upon the table, that other gentlemen, as well as himself, before they laid additional burdens upon their constituents, might know on what ground it was, that they were called upon to vote away the public money.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* answered, that an estimate of the debts of his Royal Highness, which had been examined into, was making out, in order to its being laid upon the table.

The message was upon motion ordered to be taken into consideration upon the morrow.

A motion having been made that the Lewes small-debts bill be read a third time,

Sir John Miller.

Sir *John Miller* observed that he had many and great objections to small-debt bills, and to Courts of Conscience, as they were usually called. In these courts, he added, every man loses the trial by his Peers, the grand bulwark of his liberty, as secured to him by the great charter. He loses this

twofold barrier of a presentment and trial by Jury, between the liberties of the People and the prerogative of the Crown. The Judges of many of these petty courts are as absolute as those of France or Turkey; they can imprison any man who does not comply with their mode of paying a debt of ten or twelve shillings; no power can take cognizance of their decisions, nor is there any appeal against that which they pronounce to be their will and pleasure—the unfortunate debtor of ten or twelve shillings may be by them committed to the common Bridewell, where garnish, and other shameful fees, impositions, and extortions accumulating upon distresses, which have already deprived a man of his precious liberty, will amount to much more than the original debt. Besides this very important additional consideration, that from being careless, indiscreet, or inadvertent only, the unhappy prisoner will, in the course of a month's confinement, too frequently become a perfect adept in many species of vice and profligacy, and is turned out upon the world a finished villain! For our Bridewells, Sir John said, he was sorry to remark, were little better than academies for every kind of dexterity in crimes and abominations, while, in the mean time, the parish is obliged to find the wife and family of the unfortunate wretch who returns to them for the most part totally indisposed to any means of industry as well as unacceptable, and indeed almost inadmissible to any presumption of his former labours or art. The ignorance and incapacity of the Judges of these petty courts is a grievance scarely to be remedied under their present constitution—the administration of oaths, both to the creditor and debtor, in proof or acquittal of the debt demanded, greatly increases and multiplies perjuries—peevishness and litigations are promoted among neighbours—and the demands, (three fourths of which are made in these courts by keepers of public houses upon account of tippling) had, for the benefit of the community, and the promotion of good order and sobriety, better be recoverable with difficulty and expence than by so easy and expeditious a process. To say the best of it, Sir John continued, this is a new and arbitrary mode of trial, in which large discretionary powers create a petty tyranny in a set of standing Commissioners, who have neither precedent nor control for their proceedings—and however convenient, observes Judge Blackstone (speaking of conscience) it may appear at first sight, "yet, as delays, expence, and little in-
" conveniences in the forms of justice are the price that all
" free nations pay for their liberties in more substantial mat-
" ters, these inroads upon the sacred bulwark of the nation
" are fundamentally opposite to the spirit of the constitu-
" tion, and, though begun in trifles, the spirit may gra-

" dually

"dually increase and spread to the utter disuse of Juries in "questions of the most momentous concern." This high and most respectable authority would, he trusted, insure him the support of the learned gentlemen upon all sides of the House to combat these particular jurisdictions, which derogate from the general jurisdiction of the common law of this country. The full establishment and reformation of county and hundred courts would render these little mischievous and partial courts totally useless. Great capitals, or populous trading and manufacturing towns, it may be admitted, benefit by a process so concise. Where a constant influx and reflux of strangers prevent the characters, faculties, and dispositions of many persons from being known to those with whom they have dealings in such situations, a summary redress at a small expence may perhaps prove beneficial to trade. But, in districts of a contrary description, such as those parts of the county of Sussex, to which the present bill was to be applied, where every man's character, means and situation in life, are or may be known to all who have dealings with him, the ale-house keeper, the baker, and the chandler's shopkeeper, need give no farther credit than they have fair assurance of punctuality in paying, in which case their losses can be but trifling, if indeed they have any losses at all, and individuals, as well as society in general, will benefit by this check to the facility of obtaining credit in many cases. He might be asked, whether he had any knowledge of, or connection with, the county of Sussex? and told also he might as well oppose a bill of inclosure in any county to which he was a stranger, as the present bill. Sir John said that he had no acquaintance nor connection with the county of Sussex; he knew that the present bill had been recommended to the county members, by many of their constituents, and, without doubt, by all the alehouse keepers and little shopkeepers in the county; but he considered a bill of inclosure, in which the profit and satisfaction of the individuals interested in it, as the whole of the public concern with such bill, whereas, in the present case, an unnecessary invasion of the judicature of this country, in certain districts of the county of Sussex, was, he conceived, a mischief which, as a member of that House, it was his duty to resist.

The House divided upon the motion, "that the bill be "now read a third time." Ayes, 21; Noes, 63.

The hon. Thomas Pelham.

The honourable *Thomas Pelham* contended, that, from the peculiar character of Brighthelmstone, which was in the district of Lewes, as a region of pleasure and a seat of summer visitation, such a bill was peculiarly requisite for such a place.

It was moved, "That this bill be read upon the morrow." The amendment proposed was, by inserting "this day three "months."

The House divided on the question, that to-morrow stand part of the question. Ayes, 21; Noes, 90.

It passed in the negative.

Mr. Burke.

Mr. *Burke* expressed his conviction of the necessity which existed of that House not suffering the session to end, without proceeding to take some step binding upon Warren Hastings, Esq. to be forthcoming to answer the impeachment against him, articles of which that House had preferred at the bar of the House of Lords. He therefore moved, "That "Warren Hastings, Esq. be taken into custody of the Ser"jeant at Arms of that House."

Mr. Nicholls.

Mr. *Nicholls* stated his reasons for thinking that such a motion ought not to pass; and his principal objection, he said, was, that it would brand Mr. Hastings with a stigma in the face of the country, by suggesting an idea, that the House had reason to suspect Mr. Hastings of some undue purpose, or improper design of attempting to elude justice. Mr. Nicholls observed that, upon recurring to the journals to search for precedents, he found there were three several modes of proceeding, which had been adopted by the House after they had resolved to impeach. The one was to take the party impeached into the custody of their own Serjeant at Arms; the second, to desire the Lords to take him into custody; and the third, to desire their Lordships to put him to answer. Now, this last was precisely in point to the present impeachment, in which the House had desired the Lords would put the said Warren Hastings to answer the said articles of impeachment. Mr. Nicholls reasoned upon this, and then said, that among the various precedents upon the journals, he had selected one, and that a case so far similar and corresponding, as it was one in which the party was not taken into custody. This was the case of Edward Seymour, Esq. on the 17th of December 1680. Mr. Nicholls read the precedent to the House, and added, that though he did not know that the taking Mr. Hastings into custody, for the sake merely of carrying him up to the bar of the other House to be bailed would be attended with any personal inconvenience to that gentleman, yet he thought that the House ought to adhere to precedent, while they had so strong a precedent to be guided by.

The Speaker

The *Speaker* observed that he had the precedent of Mr. Seymour's case in his hand, but that the honourable gentleman had not stated the whole of it, for that three days afterwards, viz. on the 20th of December 1680, Mr. Seymour

 actually

actually was taken into custody of the Serjeant at Arms by order of the House.

Major Scott. Major *Scott* rose to object to the motion as a breach of promise. The Major declared, he had been told that it was not the intention of the honourable gentleman to move to take Mr. Hastings into custody of the Serjeant, and that information had been confirmed in a subsequent conversation by an honourable and learned gentleman then in his eye. The Major said, on the day that the question of impeachment had been discussed, Mr. Hastings had been in attendance near the House, and ready to surrender, if called upon; but no such motion having then been made, he thought it unfair to bring it forward at present, though he admitted the making such a motion singly was more manly than doing it on the ground of any new article of impeachment, as he expected would have been the case.

Mr. Anstruther. Mr. *Anstruther* remarked that if the honourable gentleman meant to allude to him, he had told him at the time that he really knew nothing about the intention of the honourable gentleman alluded to; but his idea was, that, in all probability, they would not move to take Mr. Hastings into custody.

Major Scott. Major *Scott* said, the honourable and learned gentleman was correct as far as he went, but he should have gone a little farther. The Major then reminded him of a conversation that had passed between him, another honourable and learned gentleman and himself, below the bar, and again at the corner of Bridge-street, on the same day.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* rose to put an end to a conversation, relating to what passed privately in the rooms of that house, or in a corner of the street, which was, in his mind, by no means fitting for that House to be troubled about. The fact with regard to the present motion was, that it had originally been thought that it was unnecessary for the House to take Mr. Hastings into custody by their Serjeant; but upon a more minute examination of precedents, and a consultation with others in another place, it had been found that the more regular and formal mode of proceeding would be for that House to take Mr. Hastings into custody by their Serjeant, for the purpose of carrying him to the bar of the House of Lords, there to give in bail, if the House of Lords thought proper; but this was not adopted with any view to subject Mr. Hastings to any particular hardship or inconvenience; it was merely chosen as a mode most suitable to the dignity of the House, and to the purposes of substantial justice.

Mr. Burke. Mr. *Burke* remarked that it was well known that his opinion had originally been, that Mr. Hastings should be taken

into custody of their Serjeant at Arms; but he had given way to other gentlemen, who conceived that such a procedure might be dispensed with. That opinion, it now appeared, had been erroneous; and therefore, without meaning to aggravate the offences or the criminality of Mr. Hastings, the motion which he had had the honour to make, was found to be indispensably necessary.

The motion was carried.

Mr. Burke reported the 7th article of impeachment, which was read a third time.

Mr. Burke was then directed to carry the same to the Lords.

The House being informed that Warren Hastings, Esq. was in the custody of the Serjeant at Arms,

Mr. Burke was directed to acquaint the Lords with the same.

Mr. Grey. Mr. *Grey* said, the Committee had gone through the several abuses in the Post Office, to which he had alluded, when he took the liberty of proposing a Committee of Inquiry a few days since, and his mind was made up to the conviction, that the Committee had heard evidence sufficiently satisfactory to substantiate every fact which he had opened to the House. He wished therefore to make a report of their proceedings as far as they included those facts. Other gentlemen had stated other facts, which were then under inquiry, he could not therefore make a complete report. This being the case, he trusted that his report would be received, and that it would be considered as a full and complete answer to those gentlemen who had charged him with having wished to open accusations in the House, and propose a Committee of Inquiry, without having in his possession the materials and the power of making a report to the House before the prorogation of Parliament. He concluded with moving, "that "the Committee have leave to report from time to time."

Viscount Maitland. Viscount *Maitland* complained of the injustice of making a partial report on a subject of so delicate a nature, as an accusation against a noble Lord, high in office, at a period of the session when it would be impossible for that noble Lord to exculpate himself in time for the House to receive his exculpation previous to the prorogation of Parliament. He submitted the ground upon which the House stood in this affair to their candid consideration.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* declared that he was extremely anxious and impatient that a report from the Committee should be made; but no feeling of anxiety on his own account, nor on that of the noble Lord in question, could reconcile him to the admission of a piece-meal and partial report upon so delicate a subject. A complete report the House was

entitled to expect; a complete report he anxiously wished to see; but to nothing short of a complete report could he give his consent.

Mr. Fox. Mr. *Fox* observed that he had thought it extremely hard and unreasonable in the first instance to expect, that his honourable friend, not having the power either of lengthening the existence of the session, or of knowing how long it would exist, should make any report before the House rose; but surely it was much more hard, and much more unreasonable, after his honourable friend had declared, that he had heard every witness, and adduced all the evidence which he desired to adduce respecting the facts that he had stated to the House, and was ready to make a report as far as those facts went, to expect that his honourable friend could undertake to make a complete report, when it was recollected, that one of the members of the Committee (Viscount Maitland) was rather adverse to the object of the Committee, and had started some new facts, which made their inquiries more extensive. Mr. Fox added, that, in his opinion, his honourable friend had done every thing which could reasonably be expected from him, and had fully answered every promise or expectation which he had holden out to the House.

Viscount Maitland. Viscount *Maitland* admitted that it was very true that he had stated some facts touching abuses in the Post Office during the time when a noble Earl (of Tankerville) no longer in that situation, had been at the head of it, and he was free to say, that the evidence which he had called had not gone as far as he wished; but the Committee having been appointed for the general purpose of inquiring into the abuses of the Post Office, he had an undoubted right to state such abuses as had fallen within his knowledge.

The Chancellor of the Exchequer asked when the honourable gentleman (Mr. Grey) thought that a complete report would be made?

Mr. Grey answered, early in the course of the ensuing week.

The Chancellor of the Exchequer said, that he was glad a report could be made so soon.

Viscount Maitland reminded the House, that, after the report was made, it would take three days at least to print it.

The question was at length put and negatived.

Sir John Sinclair gave notice that he should move for a new writ for Lauder in the room of Francis Charteris, Esq. now Lord Elcho.

Lord Elcho declared that he would oppose any such motion, as he had not vacated his seat.

The House adjourned.

Tuesday,

*Tuesday, 22d May.*

No material debate took place.

*Wednesday, 23d May.*

Mr. *Burke* reported, that he had delivered to the Lords the seventh article of impeachment on Monday last, and had acquainted the Lords, that Warren Hastings, Esq. was in the custody of the Serjeant at Arms attending that House. Mr. Burke.

The Serjeant at Arms likewise reported, that he had delivered Warren Hastings, Esq. into the custody of the Gentleman Usher of the Black Rod, and had taken a proper discharge.

Mr. *Burke* reported the eighth article of impeachment against Warren Hastings, Esq. The same was ordered to be farther considered. Mr. Burke.

Mr. Chancellor *Pitt* stated at the bar, that he had two papers, purporting to be the accounts of the several debts due from his Royal Highness the Prince of Wales, up to July 1786, to present to the House. Mr. Chancellor Pitt.

He was desired to bring them up, and the titles of them were, upon motion, severally read at the table.

Mr. Chancellor *Pitt* then rose, and observed, that as it had been impossible for the accounts to be made out and authenticated in time for him to have presented them sooner than that day, and as gentlemen in all probability would like to examine them previous to any motion being brought forward on the subject, he presumed it would be generally satisfactory for him to move to discharge the order for taking His Majesty's message into consideration that day, and afterwards to move a new order for the day immediately ensuing. Mr. Chancellor Pitt.

Mr. *Vyner* desired to know whether the House was not to be furnished with an estimate of the expence of completing the buildings at Carlton House, agreeable to the promise contained in His Majesty's message? Mr. Vyner.

Mr. Chancellor *Pitt* answered, that it was by all means His Majesty's intention to lay the estimate before them—but, as yet, it was not fully completed. An estimate in gross had been made, but it was thought more proper to have it detailed in a more minute way for the inspection of the House. The amount of the gross estimate was about 45,000 l. for building, and about 5000 l. for furniture; but it was hoped, that when the several *items* came to be particularized, it would be found to fall short of that sum; and, at all events, there was no danger of its exceeding it. Mr. Chancellor Pitt.

Mr. Chancellor Pitt then, by His Majesty's command, presented to the House, the state of his Royal Highness the

Prince

Prince of Wales's debts to the 5th of July, 1786, and also an abstract of his Royal Highness the Prince of Wales's three years expenditure from the 5th of July, 1783, to the 5th of July, 1786.

DEBTS.

| | £. | s. | d. |
|---|---|---|---|
| Bonds — — | 13,000 | 0 | 0 |
| Purchase of houses — — | 4,000 | 0 | 0 |
| Expences of Carleton-house — | 53,305 | 16 | 5 |
| Tradesmen's bills — — | 90,804 | 13 | 7 |
| | 161,110 | 10 | 0 |

EXPENDITURE, from July 1783, to the 5th of July, 1786.

| | | | | | | |
|---|---|---|---|---|---|---|
| Household — — | | | | 29,277 | 0 | 0 |
| Privy purse — — | | | | 16,050 | 0 | 0 |
| Payments made by Colonel Hotham, particulars delivered to His Majesty | | | | 37,203 | 0 | 0 |
| Other extraordinary expences | | | | 11,406 | 0 | 0 |
| | | | | 93,936 | 0 | 0 |
| Salaries and allowances | £. 54,734 | 0 | 0 | | | |
| Stables, &c. | 37,919 | 0 | 0 | | | |
| Mr. Robinson's extraordinaries — | 7,059 | 0 | 0 | | | |
| | | | | 99,712 | 0 | 0 |
| | | | | 193,648 | 0 | 0 |

The accounts of the debts of his Royal Highness the Prince of Wales were ordered to be taken into consideration at the same time, when the message should become a subject of discussion.

By the above accounts, the debts amounted to 161,110 l.—53,305 l. of which have been incurred by carrying on the building at Carleton House.

*Report of Committee to inquire into the Abuses in the Post-office.*

Mr. Grey. Mr. *Grey* brought up the report from the Committee appointed to enquire into the abuses in the Post-office.

Mr. Grey then moved, "That the report be taken into "consideration on Monday next."

Viscount Maitland. Viscount *Maitland* moved to substitute the word "Friday," declaring, that he should oppose any motion for printing the report as unnecessary, since it was so short, that any gentleman might, on a slight perusal, make himself master of its contents; and as it contained a variety of matter, criminating a noble Lord high in office, at a period of the session, when

when it was entirely impossible for any proceeding to be instituted, that could afford means of general investigation, or give the party criminated a fair opportunity of exculpating himself.

Mr. Chancellor *Pitt* declared, that he, by no means, thought the distance of Friday sufficient for gentlemen to read and examine the Report and Appendix, so as to enable them to make up their minds properly and satisfactorily upon it. He should therefore be for deferring it till Monday, but, at the same time he could assure the House, that he did not wish to postpone it from any backwardness which he felt to meet any thing personal with regard to himself, as he flattered himself would be manifest to every gentleman when the question came to be debated. He also agreed with the noble Viscount in his objection to having the papers printed, a thing which he thought in delicacy ought to be dispensed with, when it was considered that they not only related to alledged abuses in a public department, (in which point of view they certainly ought to be made as public as possible,) but that they also went into a detail of an altercation and dissention between two noble Lords, which of course was a subject the House would interfere with as little as its connection with public business would render necessary. Mr. Chancellor Pitt.

The motion, "that the report be taken into consideration "on Monday next," was then put and carried, Viscount Maitland withdrawing his amendment.

Mr. *Grey* next moved, Mr. Grey.

"That a sufficient number of copies be printed for the "use of the members of the House."

Alderman *Newnham* rose to support this motion, declaring, that if there were abuses in the Post-office, they ought to be publicly known; and that the not printing the report would look as if the House were afraid of letting the world know, that a Committee of that House appointed to inquire, had reported that abuses existed. Alderman Newnham.

Upon the question being put, the House divided,

Ayes, 16. Noes, 120.

Mr. *Gilbert* presented to the House a report from the Committee, who were re-appointed, at the beginning of the session, to inspect and consider the returns made, relative to the poor, pursuant to the acts of the last session. He informed the House, that the Committee had investigated the subject with great labour and attention, and had formed their report upon facts very interesting and important, which were disclosed by those returns, and were particularly stated in an abstract annexed to the report. He said, that he would not take up the time of the House in urging any observations of his own upon it, but would leave the report to speak for itself, Mr. Gilbert.

e and

and intreated the attention of the House whilst it was read by the clerk.

It was then read, and the House ordered a sufficient number of copies of the report and abstract to be printed for the use of the members.

Sir John Sinclair.

Sir *John Sinclair* rose and declared, that he had no personal motive for bring forward the motion which he was about to make, least of all did he mean any thing disrespectful to the noble Lord opposite to him. He considered the matter to be of the utmost importance, involving considerations interesting to the constitution of that House, and to the preservation of the rights of the commons of Scotland, as settled and established by the articles and acts of union. If he was not persuaded that the motion which he meant to make, stood upon the clearest and most self-evident grounds of parliamentary law and precedent, he would not venture to intrude it upon the consideration of the House. His motion, he said, would be,

"That the Speaker do issue his warrant to the Clerk of the "Crown, to make out a new writ for the electing a Commissioner to serve in this present Parliament, for the district of Lauder, Haddington, Dunbar, North Berwick, "and Jedburgh, in the room of Francis Charteris, Esq. "junior, of Amisfield, now become the eldest son of a Peer "of Scotland, and thereby incapable of representing the said "district in this House."—But before he made it, he wished that the precedents on which he grounded it might be read from the Journals. He, accordingly, desired the Clerk to turn to December, 1708, for the proceedings of the House, in the case of Lord Haddo, and the resolution then come to. He accordingly moved,

"That the entry in the Journals, 3d of December, 1708, "of the proceedings of the House, on considering the act of "the election of members for Scotland," might be read;—and also, "The proceedings relative to Alexander Irvine and "others, and the proceedings 25th November, 1708, and "27th November of the same year."

Sir John Sinclair next desired the case of Lord Charles Douglas, in 1755, to be read, and then moved, "That the "entry, 18th November, 1755, be read;" which being done by the Clerk, he made his original motion.

Viscount Beauchamp.

As soon as the motion was stated from the Chair, Viscount *Beauchamp* desired to know if the honourable baronet had found no other precedents?

Sir John Sinclair.

Sir *John Sinclair* stated the petition of Mr. Irvine and others in 1708, as conclusive, but said, that there was a precedent on the Journals of Lord Livingstone's case in 1689, which was read.

Viscount

Viscount *Beauchamp* argued in favour of Lord Elcho, contending, that in point of reason and good sense he ought to keep his seat. He quoted a part of the act of Union, which enacted from that time forward, that the two kingdoms should participate reciprocally in the benefits, advantages, rights and immunities, peculiar to each. Upon this quotation he rested an argument, that to oblige the noble Lord in consequence of his having become the eldest son of a Peer of Scotland, to vacate his seat, would be to violate the spirit and meaning of the act of Union. With regard to the precedents, they were all cases which had occurred in times of great party violence, and ought not to be relied on as obligations indispensable by the House. In proof of this, he read an extract from Burnet's history of his own times, in which the Bishop, speaking of the parliamentary transactions of 1708, says, "The Court and the Whigs had joined, and were determined "to carry every thing their own way, that the Whigs un- "blushingly decided elections without regard to justice, or "any other consideration but their own party feelings against "the Tories." With regard to Lord Haddo, it was notorious that he was a person particularly obnoxious to the powers then in being, and that circumstance considered, the proceedings upon the Journals were not to be wondered at. His Lordship treated the other precedents as of little avail; and after animadverting on the precedent of Lord Johnstone (which he cited), he went into general arguments to prove, that till the eldest sons of Scotch Peers had the liberty of sitting in Parliament for Scotch counties and boroughs, in like manner as he and others, the eldest sons of English Peers had a right to sit in the House of Commons, representatives of English counties and boroughs; the reciprocity of advantages stated in the act of Union, was not fulfilled. He hoped, at least, that the House would not, on a sudden, deprive the noble Lord of his seat, but would suffer him to continue to sit a little longer among them, and at the next general election, the question which he contended had never been truly tried, might come fairly to trial before Mr. Grenville's Committee. Viscount Beauchamp concluded with moving, "That "the consideration of the motion be adjourned till that day "se'nnight."

Viscount Beauchamp

Sir *James Johnstone* desired to be heard a few words. The noble Lord had said that his ancestors were Tories, whereas the very reverse was the case. They were all of them notorious Whigs. Lord Johnstone was a whig, and so were his successors. The noble Lord had talked of three precedents, but there were six, which he enumerated; and the noble Lord had argued against them. What signified an argument against the law of the land? If the noble Lord wished to alter

Sir James Johnstone.

the law, let him bring in a bill and do it by act of Parliament. Sir James stated, that, previous to the Union, it had been the law of the Parliament of Scotland, that the eldest sons of the Peers of Scotland should not sit in that Parliament; and the reason was obvious, the Scotch Peers had too much power already, and that would have given them a great deal more. At that time it was not unusual, when a great Lord wanted to collect a powerful body of vassals to atchieve any design, to send out a lighted torch, and if any man refused to take and bear it, to hang him up. It was highly necessary, therefore, to curb the growing power of the Peerage. Sir James said, that he might at one time or other be a Peer of Scotland himself; the case was not impossible, and, then, most probably, he should be an advocate for the rights of the Peerage; but, as long as he had a seat in that House, he should think it his duty to stand up in behalf of the Commons of Great Britain.

Mr. Dundas Mr. *Dundas* contended, that the motion stood upon broad constitutional grounds, and that the precedent of 1708 was unanswerable. He reminded the House, that the case of Lord Haddo, the proceedings thereupon, and the clear distinct resolutions to which the House then came, all occurred within a year of the settlement of the Union of the two kingdoms, at a time whilst the true intention of the parties who negociated it was within the recollection of every body, and consequently, that the resolution was to be considered as the rule of conduct laid down by the House, upon the most unquestionable principles The noble Viscount had talked of the Tories, and of Lord Haddo's being a Tory, when the fact was notoriously otherwise. Was the Earl of Sunderland a Tory? Was the Earl of Aberdeen a Tory? And all the great men of Scotland of that day? Most certainly not. The fact was, they formed a grand combination, to bring the question to a decision, and it was then fully decided. With regard to what the noble Viscount had said, of suffering the noble Lord opposite to him to continue to sit till the general election, in order that the question might be then tried before Mr. Grenville's Committee, the noble Viscount need not wait till then. Let Lord Elcho but go and offer himself for Lauder as soon as the writ was ordered, and if he was returned, (and as he had good interest, in all probability he *would* be returned,) he might then try the question before the Committee early in the course of the ensuing session; for, undoubtedly, he would find a competitor. Mr. Dundas said, that the exact reciprocity of advantages, rights, and immunities, stated in the act of Union, as referred to by the noble Viscount, did exist, as was evident from a noble friend of his (Viscount Maitland) having, by his own merit, obtained a

seat in that House for an English borough; and he had no doubt, if the other noble Viscount (Beauchamp) chose to go to Scotland, and spend a little money there, he might be returned for a Scotch township or county. Mr. Dundas concluded with declaring, that he was clear that the noble Lord was at that time guilty of a breach of privilege in sitting where he did.

Lord *Elcho* contended, there was no precedent for dispossessing the son of a Scotch Peer of his seat, when he had been legally elected, and his title had devolved to him pending the session of a Parliament. Lord Elcho.

Viscount *Maitland* complained of the injustice of entailing upon the sons of Scotch Peers a disability under which they accidentally laboured, with regard to their own parliament at the time of the union, and reminded the House, that there had been a period, when the sons of English Peers, were, in like manner, disabled from sitting in that House. He observed, that in order to justify such a gross partiality, gentlemen were obliged to resort for precedents to transactions which had occurred previous to the act of union. He denied that the reciprocity of advantages stated in the act of union had any existence, while the eldest sons of Scotch Peers could not sit for Scotch Boroughs and Counties, in like manner as the eldest sons of English Peers sat for English Boroughs and Counties, and declared that he would, next session, bring in a bill, to put both on an equality. Viscount Maitland.

Mr. *Anstruther* desired that the noble Vicount would consider what he was about to do, and contended that it behoved the representatives of the boroughs and counties of Scotland, and also the representatives of the boroughs and counties of England, to reflect very seriously before they gave their consent to any bill, the object of which was to alter the act of union. Mr. Anstruther.

Sir *Adam Ferguson* asserted, that the noble Vicount's objection was not solid, when he had said, that there was no precedent of a Scotch Peer's eldest son being obliged to vacate his seat, when his title had devolved upon him during a session of parliament, of which parliament he had been legally chosen a member. Sir Adam mentioned the case of Mr. Mackenzie, whose father was created Viscount Beltarbat, in consequence of which he, of course, vacated his seat, as a case in point Sir Adam Ferguson

Sir John Sinclair's motion was carried.

The House adjourned.

*Thursday, 24th May.*

Mr. Burke reported the eighth article of impeachment against Warren Hastings, Esq. late governor general of Bengal. The same was ordered to be engrossed.

Mr.

Mr. Chancellor Pitt moved the order of the day for taking His Majesty's message into consideration,—whereupon the Speaker read the message from the chair, after which

Mr Chancellor Pitt.

Mr. Chancellor *Pitt* rose, and observed, that nothing could more fully prove His Majesty's true affection for his subjects, than the regret which he at all times felt, when obliged to make any application to Parliament which could tend to the imposition of new burdens upon the People. But, at the same time, he was himself persuaded that there was no burden which that House and the Public would so cheerfully acquiesce in, as one which tended to promote the comfort and interest of any part of the Royal Family, particularly so distinguished a branch of it as the Prince who was the object of the present application.—He was convinced that every gentleman would rejoice with him that the business came forward in its present shape and channel, instead of any other, as there could be none so correspondent to the constitution, so respectful to the illustrious Family who were concerned, nor so consonant to the interests and real dignity of the Prince himself—His Majesty, while he thus complied with the wishes of his Royal Highness, had not been unmindful of the ease and interests of his People; and the Prince had consented to such a system of payment as should secure his expences not exceeding his income. His Majesty had taken such measures as would prevent the possibility of any future application to Parliament on this subject, by a permanent addition to the Prince's establishment, without recurring to Parliament for the money, and by paying it out of his own civil list. With regard to what was past (which certainly was not so material an object as that which was to come)—but with regard to that, His Majesty had done all which lay in his power for the satisfaction of the House, in submitting to their inspection a state of the Prince's affairs, from which they might judge of the necessity there was for this relief. Mr. Pitt added, that he imagined that gentlemen would not think of instituting any very strict scrutiny into the state and nature of that account, not only out of personal respect to the exalted character whom it concerned, but because it was a circumstance which never could occur again, so long as His Royal Highness continued in his present situation. He should, therefore, move an address to His Majesty, in answer to the message which had been read, in which the House should undertake to comply with the request of His Majesty—and which motion he hoped and believed would meet with not one dissenting voice, as he was convinced that no real well founded objection could be made against thus gratifying, in a point so essential to his feelings, a Monarch, who, while his affection, as a father, inclined him to extend his indulgence to his son,

had

had not been unmindful of the higher and more important duties of his public character, as the common Father of his People. He then moved the following address:

"That an humble address be presented to His Majesty, assuring His Majesty how sensibly this House, at all times, feels the gracious proofs of His Majesty's constant attention to the interests of his people; particularly in the directions which His Majesty has given, for making an additional allowance to His Royal Highness the Prince of Wales, out of His Majesty's civil list, in order to remove every possible doubt of the sufficiency of His Royal Highness' intention to support amply the dignity of his situation, without occasioning any increase to the annual expence of the Public.

"That it is with the greatest satisfaction, this House learns, that His Royal Highness has given His Majesty the fullest assurances of His Royal Highness' firm determination to confine his future expences within his income, and has settled such regulations as His Majesty trusts will effectually secure the due execution of His Royal Highness' intention.

"That His Majesty may depend on the zeal and affectionate attachment of his faithful Commons, to afford His Majesty the assistance he desires for the discharge of His Royal Highness' debts, and that in full reliance on the assurances which His Majesty has received, this House humbly desires that His Majesty will be graciously pleased to direct the sum of one hundred and sixty-one thousand pounds to be issued out of His Majesty's civil list for that purpose, and the sum of twenty thousand pounds on account of the works at Carleton house, as soon as an estimate shall be formed with sufficient accuracy of the whole expence for completing the same in a proper manner, and to assure His Majesty that his faithful Commons will make good the same."

Resolved *nemine contradicente*.

Ordered, that the said address be presented to His Majesty by such members of this House as are of His Majesty's most honourable Privy Council.

## *Monday*, 28*th May*.

A motion being made, "that the engrossed articles of impeachment against Warren Hastings, No. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, be carried to the bar of the House of Lords by Mr. Burke,"

Major *Scott* said, I hope, Mr. Speaker, the House will have the indulgence to hear me for a few minutes upon the subject Major Scott

subject now under consideration. Last year the right honourable gentleman (Mr. Burke) brought before this House a number of charges or articles against Mr. Hastings; one of this number was entitled, "Misdemeanors in Oude;" in this session several days were appointed for taking the article into consideration, and upon one pretence or other the day was put off; but about ten days ago it was the subject of debate—I opposed the charge in the Committee of the whole House, as very nonsensical, and containing matter highly meritorious, instead of being criminal: it was, however, determined that the charge entitled "Misdemeanors in Oude" contained impeachable matter, and it was referred to the Committee appointed to draw up the articles of impeachment, in order that they might from that charge form an article. On Friday last these articles were brought up, for instead of being one article, they are twelve; I saw them, and they took me an hour and a half to read, even in a cursory manner, but I am sure no other member of this House saw them on that day. They were read and ordered to be printed, when the House was on the point of rising on Friday, and when no gentleman seemed disposed to listen to a word upon the subject of them; I came down to this House on Saturday for a copy of the articles, but it was necessary to keep them here until the engrossed articles were examined; so that in fact they did not go to the press until Saturday noon, and this day at one o'clock such members as happened accidentally to be down at so early an hour, had an opportunity of getting them. The case therefore is this, that the Commons of Great Britain are at this instant about to proceed to the most solemn act they can execute, without knowing one word about the matter; for I will venture to assert that not ten members of this House have read the articles, and I firmly believe that no member in or out of the House has read these articles, except the right honourable gentleman (Mr. Burke) and myself, and I have only had an opportunity of reading them over cursorily. If it is decent and proper that the Commons of England, after voting an impeachment, should be perfectly indifferent as to what articles are to be sent up, I have no more to say; but if it is of importance that we should know what it is we send to the Lords, I hope gentlemen will read the articles which I hold in my hand; if they do, I am sure they will not dignify such nonsense so far as to say at the bar of the House of Lords, that the knights, citizens, and burgesses, in behalf of themselves and the Commons of England, present such trash as articles of impeachment; but in every point of view the proceeding is absurd and ridiculous. I have been told, that I ought to have made my opposition on Friday, and

that in fact the articles were then passed, and the present question is only who shal' carry them up: if that is indeed the question, I am indifferent about it. But what in the name of God then did we mean by ordering these articles to be printed? If the Commons of Great Britain passed these articles on Friday without one man reading them, why are they printed now, that we may discover the absurdity of them, when we cannot apply a remedy to them? I have done my duty, Mr. Speaker; I think the whole business is disgraceful and dishonourable to the House, and have exposed it; I am against these articles at the only moment in which I had a chance of being heard; but if the articles are really passed, I say the House has been betrayed into the passing of articles which, I believe in my conscience, no member has read but myself, and I have only read them cursorily; but I am sure there are not ten members who have, or indeed could have read a line of them; yet, in defiance of truth and common sense, we pass them with less form than we would a turnpike bill, and we solemnly say at the bar of the House of Lords, that they are articles of impeachment against Warren Hastings, Esq. by the knights, citizens, and burgesses in Parliament assembled: if this House think such a proceeding consistent with its dignity, let it pass in the name of God, I will not divide the House upon it.

The motion being agreed to, Mr. Burke was ordered to go to the bar of the House of Lords and present the articles *.

The order of the day for taking into farther consideration the Report of the Committee to inquire into the abuses which prevailed in the Post Office, having been read,

Mr. *Grey* rose and remarked, that after what had passed, it would be unnecessary for him to trespass long on the patience of the House; and therefore he would shortly touch upon the several facts stated in the Report, in order to shew that every abuse to which he before adverted, had been so fully substantiated by evidence, that no man would venture to call any one of them in question. He should not wonder if the charges he had made, although fully established by proof, were to appear light and trivial in the eyes of the House, or at least be so stated by those who might think proper to oppose the motion he should have the honour to make. All charges must indeed seem trivial, when compared with those enormous and flagitious charges, in the investigation of which the House had been so long and so so- Mr. Grey

* The reader who would wish to see these articles at full length, will please to consult them in the publication by Mr. Debrett

lemnly engaged; but though he did not bring forward charges of unequalled oppression, rapacity, and corruption, of the most unprecedented plunder of lacks and crores with the one hand, and the most unexampled and lavish waste of them with the other, yet the charges he urged were not in themselves of an insignificant nature; they pointed directly to gross malversation in office, to illegal bargain and sale of public situations, to connivance at fraudulent abuse, to the dismission and disgrace of those who had shewed themselves anxious for reform, and to countenance and protection extended in favour of those who had opposed reform. Mr. Grey now proceeded to describe the different facts in the order in which they are noticed in the Report of the Committee; and first he desired to call the attention of the House to the sum of 350 l. annually paid by Mr. Lees, secretary of the Post Office in Ireland, to a person no otherwise known than by the letters A. B. although it appeared that the person so mentioned was Mr. Treves. He commented upon this fact as the most important of any stated in the Report, and contended that it was not only an indirect and undue application of the public money, but contrary to law, and as such highly deserving of censure: he expatiated on the evil tendency of such an illicit contract, and maintained, that it was clearly wrong in the conception of the noble Lord (Carteret) himself, from the secret and concealed manner in which the transaction had been veiled from the public eye, and from the great concern shewn by the noble Lord upon its having been discovered in the narrative of Mr. Lees that Mr. Treves was the person who was described by the letters A. B. He mentioned also Mr. Todd's declaration before the Committee, that such a transaction was unprecedented, and that he had expressed his disapprobation of it to the Post masters General at the time when it took place, and laid considerable stress upon that circumstance.

He next proceeded to the second point stated in the Report; that of a payment of 200 l. a year, which had been exacted from Mr. Dashwood, appointed to the office of Postmaster General in Jamaica this also was in favour of Mr. Treves, who had never performed any public service in the Post Office, or in any other public department, to entitle him to such reward. That fact being of a similar character and complection with the first, (Mr. Grey said) it fell within the same observations which he had applied to the former; and it was unnecessary therefore for him to offer any additional remarks. The next fact was that of permitting Crisp Molyneux, Esq. agent to the packets at Helvoetsluys, to dispose of his office to Mr. Hutchinson, against whom complaints had been made for improper conduct in his office.

fice. On this occasion Mr. Grey stated, that it appeared to the Committee that a letter had been written in the month of January last, informing Mr. Hutchinson, that if he did not perform his engagements to Mr. Molyneux, Mr. Molyneux must have his place again. The whole of this transaction, he contended, was directly illegal and unjustifiable; and the more so, as neither that nor the former transaction were entered on the books of the office. He afterwards mentioned the 100 l. a year proposed by Lord Carteret to be paid in lieu of his house to Mr. Staunton, Post-master at Isleworth, declaring that a noble Earl (of Tankerville) had resisted the proposition, but that after his removal from office the allowance had been made. He next called their attention to the fact of the Earl of Tankerville's having made frequent representations to His Majesty's first Lord of the Treasury, respecting the abuses which he had discovered in the Post Office, and that he was encouraged in the belief, that he should certainly have received the support and assistance of Government in redressing the same, but that he was, soon after such encouragement, removed from his office of Post-master General. Mr. Grey contended, that the fact amounted to a criminal charge against a right honourable gentleman (the Chancellor of the Exchequer); he mentioned that an attempt had been made to criminate the noble Earl (of Tankerville) before the Committee, but that it was no sooner gone into than it had been abandoned as altogether untenable. He entered into a discussion of the cause and origin of the misunderstanding between Lord Carteret and the Earl of Tankerville, and denied that it arose from any other circumstance than the opposition which Lord Carteret gave to the reform of abuses proposed by his noble relation. He took notice of the various abuses proved to exist in the management of the packet boats, particularly that no deduction had been made from the hire of any packet boat whilst under repair, seizure for smuggling, or when unemployed. He also stated the giving a two and a half per centage upon the gross expenditure to the person having the management of the packet boats, as the means of creating an undue influence upon his integrity; but at the same time he acquitted Mr. Todd, who at present enjoyed that emolument, of ever having been biassed by it. He said, there had appeared a tolerably stout and and ready witness before the Committee, who ventured to declare, that he was of opinion making contracts in the present manner without any reserve for non-employment, &c. &c. was the most œconomical that could be adopted. How far such an opinion deserved serious reliance, he submitted it to the good sense of the House to decide.

 Mr.

Mr. Grey now entered into a series of general reflections on the whole of the case, which (he said) in *his* mind involved a severer charge against the right honourable gentleman opposite to him, who, by turning out the noble Earl (of Tankerville) after having given him reason to believe he should be supported in the reform of the abuses he had discovered, proved, that notwithstanding all his professions of purity and reform, he was by no means a sincere friend to either the one or the other. The right honourable gentleman, when the subject was last under consideration, had read them the preamble to his own office reform bill. He wished not (he observed) for high-sounding expressionns in the preamble of a bill which, *splendide mendax!* held out the language of empty praise; he wished to see performance, deeds, and not mere words; that bill had been passed above two years, and the House had heard of no report. The Commissioners of accounts, on the contrary, who had been so ill treated as to have a secretary of the Treasury sent down to a thin House, to move a cold address to His Majesty respecting them, when scarcely any of the members present knew what was doing; those Commissioners had been appointed in Spring; and in November they brought in their first report, and by the time they had existed two years, they had presented seven reports; if, therefore, the Commissioners under the right honourable gentleman's bill could not find time to inquire into the abuses of the Post Office, and proceed to the reform of those abuses, the Commissioners of accounts ought to have been directed to do it; but from the whole complection of the case it was evident, that the right honourable gentleman had not been sincere, when he had either in that instance, or any other, dealt so largely in professions of his wishes of reform; if he had, that House must before that time have seen some fruits of so much promise; whereas there were not any traces to be found of real reform of office. Speaking of the dismission of the Earl of Tankerville, Mr. Grey said, his noble relation had been sacrificed for the sake of arrangements in faveur of a noble Lord who had seated the right honourable gentleman in his present situation, and who could dismiss him from his office with a nod. The noble Earl had been sacrificed in favour of that noble Lord, who had been well described by an honourable friend of his as of so much weight and importance, that the whole administration had been put in the scale against him and found wanting. Mr. Grey concluded with observing once more, that all the facts which he had opened to the House had been fully proved, and therefore he moved,

"That it appears to this House that great abuses have

"prevailed

"prevailed in the Post Office, and that the same being "made known to His Majesty's Ministers, it is their duty, "without loss of time, to make use of such measures as are "in their power to reform them."

Sir John Aubrey.

Sir *John Aubrey* complimented the Earl of Tankerville for the part he had acted in bringing forward such an inquiry. He said, that the abuses stated had been all proved, and that had not the noble Earl acted as he did, he would himself have been an offender. Sir John concluded his panegyric with declaring that he was proud of the opportunity of doing justice to the character of a noble Earl, so nearly connected with him by alliance and by friendship.

Viscount Maitland.

Viscount *Maitland* said, that he must necessarily intrude somewhat longer than usual on the patience of the House; but he would compress what he had to say as much as possible. He then declared the Report to contain facts of the most stale, trivial, and unimportant nature, that had ever engaged the attention of a House of Parliament. The only difference between the present complection of those facts and its former aspect, was that which had been in almost every body's hand without doors, as a narrative of facts, was now dignified with the form and title of a Report of the House of Commons. The first circumstance was a grant of 350l. a year to Mr. Treves, an intimate friend of Lord Carteret, which was no charge whatever to the Public, nor any impediment to the public business, but was, with the consent of the party most interested, paid out of the existing emoluments of the office of Secretary of the Post Office in Dublin. That such a measure was not strictly justifiable he was ready to admit, but it was by no means unprecedented; and, compared with the transactions in every public office only ten years ago, it was purity itself. Nor indeed had it been even insinuated that it originated in any thing like a corrupt motive in Lord Carteret. His honourable friend had laid great stress on the opinion of Mr. Todd respecting the transaction. That opinion, he must take leave to say, was of no authority in that House upon a point which every gentleman present was to the full as competent to judge about as Mr. Todd. The next transaction was that of Mr. Dashwood, Postmaster of Jamaica, which was, as the honourable gentleman had stated it, exactly similar to that of the 350l. and therefore required no new observations. With regard to the permission of Mr. Molyneux to resign the agency of the Helvoetsluys packet boats to Mr. Hutchinson, that was a transaction founded in a charitable intention to relieve an unfortunate man from prison; and, if there were any criminality in the transaction, it was as much imputable to the Earl of Tankerville as to Lord Carteret, since the noble Earl [illegible]

had

had taken as great a part in it as the noble Lord; but, in his opinion, there was no criminality imputable to either. Viſcount Maitland went into the other facts ſtated in the Report, and commented upon each with a view to ſhew that it was either not perſonal to Lord Carteret, or of a trivial nature. With reſpect to the two one-half per centage allowed to the perſon who managed the packet boats, he ſaid, that appeared to him to be the moſt important abuſe of all which were ſtated in the Report, and Mr. Todd was himſelf as ready to admit that it was ſo, as any man living, though he had acted with ſo much guard over himſelf, as to be ready to lay open all the actions of his official life to the ſtricteſt ſcrutiny. The miſunderſtanding between Lord Carteret and the Earl of Tankerville did not ariſe, as had been ſaid, in conſequence of the former oppoſing the latter's endeavour to reform certain abuſes, but had begun much earlier, and upon far different grounds. Viſcount Maitland now read the following letters from Mr. Todd upon the ſubject, and the anſwers, in which the Earl declined taking the advice which Mr. Todd was ſo ready to give him unaſked.

*General Poſt Office, Nov. 8, 1784.*

I have for ſome days expected, with a degree of anxiety, Lord Carteret's anſwer to your Lordſhip's letter, which I have now the honour to incloſe; and his Lordſhip having thought proper to accompany it with a few lines to me, as having a perfect knowledge of this diſagreeable buſineſs about Mr. ——— from the firſt, I ſhould be wanting, at ſo critical a moment, in my duty to you both, and not at all correſponding with the character I hope through life to maintain, if I heſitated to interpoſe and freely deliver my opinion to your Lordſhip, that, as Lord Carteret profeſſes the moſt hearty deſire to live in harmony and confidence with your Lordſhip; and I know this declaration to be true, but cannot bring himſelf to ſign Mr. ———'s commiſſion, as he has been juſtly diſmiſſed by him and Lord Foley upon the cleareſt proof of his guilt; and to my knowledge too, under his own confeſſion, your Lordſhip muſt at once appoint ſome other perſon, which will end the whole affair; and nothing is eaſier, than by an anſwer of two lines, to ſay your Lordſhip did not at firſt ſee the matter in ſo ſtrong a light, and therefore now moſt readily give it up, as indeed you muſt both wiſh and ought to do concerning every perſon or thing which might not be agreeable to the other.

Your Lordſhip will never be ſorry for this ſmall condeſcenſion towards ſo well-diſpoſed a man, as, for certain, you will experience Lord Carteret to be upon all occaſions; and I beg

your

your Lordſhip will authoriſe me to propoſe a day for your meeting at the Board here, and to accept a dinner. I pray your Lordſhip to allow your letter of reconciliation to paſs through my hands, and to believe me, with the greateſt reſpect, &c.

To the Earl of Tankerville. ANTH. TODD.

*Brighton, Nov. 10, 1784.*

I underſtand from you, that "I muſt at once appoint "ſome other perſon which will end the whole affair;" and then follows the form of the letter which I ought to write. But, as I do not implicitly adhere to all the good advice you are ſo ready to give, I ſhall do neither one nor the other; and having ſtated the whole affair impartially to different people, I am infinitely more confirmed in my opinion than I was, that Lord Carteret has taken up this matter with much too high a hand, and with a degree of unremitting relentleſs ſeverity, which the circumſtances of the caſe do not juſtify. Yours, &c. T.

*Brighton, Nov. 23, 1784.*

I have not as yet wrote to Lord Carteret, having been a good deal engaged; and indeed I wiſhed to be more reconciled to the negative put upon my nomination, the propriety of which I am by no means convinced of. However, I do not find that I cool very faſt, or ſhall be eaſily prevailed on to believe that this matter has not been taken up with much too high a hand, which ill ſuits with me. I really had not the moſt diſtant idea that Lord Carteret would have objected to the appointment of Mr. Daſhwood, or I ſhould certainly have mentioned it to him; and whatever may be the reſult of this buſineſs, I have given a recent and very ſtrong proof of my readineſs to concur with him, much againſt my opinion, inclination, and duty; which nothing but the moſt earneſt wiſh to preſerve a good underſtanding ſhould have prevailed upon me to have done, as you well know from the letter I immediately wrote you on that ſubject.. You may communicate as much as you pleaſe of this, though it is haſtily written.

Yours, &c. T.

My Lord,

As much as I reſpect and deſire to obey your Lordſhip, I dare not impart, or even to intimate the purport of your letter of laſt Saturday to Lord Carteret, unleſs I receive your Lordſhip's peremptory commands ſo to do by return of poſt; and in that caſe, though very reluctantly, I muſt obey

you

you, for I do think your ground is not tenable; for as Lord Carteret has dismissed Mr. Dashwood for an acknowledged fraud, how can he now appoint him to a trust under himself; therefore, my Lord, in whatever else you may be inclined to stand your ground, suffer me to persuade your Lordship, in this case, to write a letter yourself, saying, without particulars perhaps, that you decline the appointment of Mr. Dashwood, which will make all matters smooth until you meet; and indeed, on the present occasion, I do not urge the holding a Board until that is adjusted; and I may say it is lucky for this time Lord Carteret does not come till towards the end of next month, in his way to Lord Weymouth. Yours, &c.

To Earl Tankerville. ANTH. TODD.

I shall not be disposed to talk coolly on the subject of Mr. Dashwood, or hear any thing you may have to say, unless you can prove him guilty of fraud, which I do not admit; but now tell you distinctly, that I believe Lord Carteret has been indebted to you for that forced construction. T.

I am sorry to say your Lordship is the only Postmaster General I have not had the happiness to serve under with their perfect approbation; but I hope on Wednesday, by an open and fair discussion, to have it understood for the future, that whilst I act uprightly, fair, and open, I may be treated with confidence and regard, and not with harshness. I am, &c.

To Earl Tankerville. ANTH. TODD.

In the Earl's letters, Viscount Maitland observed that he did not find that he cooled very fast, with respect to the transaction alluded to, or appeared cautious of introducing expressions indicative of warmth. With regard to the dismission of the Earl of Tankerville, Viscount Maitland defended the measure, and took notice of what Mr. Grey had said of the arrangements in favour of Lord Hawkesbury, declaring that that noble Lord's name was an excellent ingredient in a recipe to render any thing unpopular. Upon the whole, he said that the abuses stated in the Report were not of the magnitude to call for the investigation of that House, but might fairly have been left to the correction of those at the head of the office, or for the examination of the Committee acting by virtue of the authority given them by the right honourable gentleman's office reform bill; which Committee, his honourable friend, in like manner, as the noble Earl (Tankerville) had all along done, confounded with the commissioners of accounts. Viscount Maitland added, that

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he should move to have the office reform bill read, and that he would then move the previous question, meaning afterwards to move that the farther consideration of the Report of the Committee be put off for three months. He moved to have the act accordingly read, and it having been read *pro forma*, he moved the previous question.

Captain Bowyer. Captain *Bowyer* rose to confirm the assertion that the Post-office packets were concerned in smuggling. He stated several distinct facts to prove this, and particularly detailed all the circumstances of one case, in which the vessel, instead of being sold, and half the money paid according to law to the Captain and crew of the ship that seized her, was valued, and a third only paid to the Captain and crew, and the packet given back to the Captain who had been guilty of the smuggling construction. He spoke of the built of some of the Post-office packets, declaring that they had false floors and ceilings to the cabin, and he had even heard of their having hollow beams, the better to conceal contraband articles.

Mr. Baring. Mr. *Baring* rose, as one of the Commissioners under Mr. Pitt's office reform bill, and gave an account of their labours. He said, they had first gone into the old Board of trade office, next into the Secretary of State's office, and then to the Admiralty office; from thence into the office of the Treasurer of the navy, and that they were now in the navy office. He declared that they were not directed by the act to make reports to that House, but to the Lords of the Treasury; therefore the honourable gentleman need not be surprised at not having heard of any Report from them. The fact was, they had made three Reports long ago, and the reason why they had not made another before now, was the extreme arduousness of their present object of inquiry, since they found the navy office and Admiralty office so connected, that, in order to make a complete Report, they were obliged to go back from one to the other. Mr. Baring spoke of the difficulty of their duty, asserting, that he could sooner make an entire Report, like those of the Commissioners of accounts, than write a single line of the Report which ought to come from that Committee of which he had the honour to be a member.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* observed, that he should not think it necessary for him to take up much of the time of the House with what he had to say upon the subject. It would indeed be unpardonable in him were he to expatiate much after the very ample elucidation made by the noble Viscount of the general question, and the explanation given by an honourable gentleman as to a particular part of it. Neither did he imagine that the House would expect that he should take much notice of what had fallen from the honourable gentle-

man

man who introduced the business, of a direct personal tendency against himself, as that, at least a great part of it, certainly was by no means connected with the subject then under discussion; yet he could not but observe upon the singularity of the honourable gentleman's conduct, who began his political career in an early part of the session, by an opposition (a reluctant one, as he had himself said) to a particular measure of government, and who had accompanied that opposition with professions of great personal regard and respect for him, and of a desire, as far as he could do it consistently with his duty as a member of Parliament, to give his general support to Administration, and had particularly disclaimed the character and imputation of being what was called a party man. Whether he had deserved those sentiments of respect with which the honourable gentleman had complimented him or not, of this he was at least convinced, that since that period he had done nothing to forfeit them; nay, the very subject which had been made use of by the honourable gentleman, as a channel for censure and accusation against him, was a subject every circumstance of which had taken place long before, and been known to the honourable gentleman, according to his own statement, even previous to his having a seat in that House. Notwithstanding those professions of a reluctance to oppose Government, of respect to Administration, and of disclaiming the character of a party man, he could not but say that he thought the present a wanton attack on Government, and that it was conducted in a manner highly personal and disrespectful to him, and besides savoured very much of the utmost asperity of party. With respect to the subject itself, it appeared to him exactly in the light in which it had been stated by the noble Viscount, as by no means of consequence sufficient to be made a subject of parliamentary inquiry. All which could be done in the work of reformation ought to be done by the executive government, and in such trivial instances a resort only had to Parliament, when it should appear that Government had obstinately neglected that necessary part of their duty; but he left it to the judgement of the House, whether Administration had been guilty of such neglect in the act of Parliament, which had just been read, for the purpose of ascertaining whether or not he had proved remiss in the business. The House had seen in that act a full provision for every necessary reform, and full owers given to the Commissioners for that purpose. The honourable gentleman, not being able to charge him with having omitted the Post office in that act, had complained that the Commissioners had delayed to enter upon that part of their duty; but all which was necessary for him to say upon that head

was, that the Commissioners had not been idle, and then the question would be, whether the Post Office was of that rank and importance, compared with the other offices which had been examined, or the abuses in it of such glaring and prominent magnitude, as ought to have entitled it to a prior attention. This he by no means thought could be alledged; for, independently of any superiority in point of importance, it had been thought adviseable to begin with departments of the very highest rank, in order to remove any impression that the examination of the Commissioners was a derogation from the dignity of those who presided over the several offices. This idea was totally removed in the subordinate departments, by the higher ones having first submitted to it. In pursuance of this principle, the Commissioners began with the Treasury, then they proceeded to the offices of the Secretaries of State, from thence to the Admiralty, and afterwarns to the Navy Office; and he believed that no gentleman who knew the nature of that department would wish that its examination and reform should be delayed a single hour. It was evident then, that, with respect to the object of reform in that office, Government had done all in their power, and had already put it into such a train as the Legislature approved of, by passing a law for the purpose. The object of the motion then could not be to provide for a reform, for that was effectually done already; but must be for the purpose of censuring a noble Lord at the head of the Post Office for supposed abuses, or more probably with the view of casting a reflection upon him for the part which he had taken in the arrangement by which the noble Earl had been removed from it. With respect to the latter, he apprehended that the House seemed to feel the impropriety of entertaining such a discussion, as it certainly belonged solely to the executive Government to dispose of the several public employments, and Parliament would be very cautious how it attempted to control or question the discretion with which that power was exercised. It certainly had been found necessary to remove one or other of the noble Lords, as their differences had risen to such a height that they could not even sit in the same room with satisfaction; and that discretion with which Government was invested had led them to determine the alternative against the noble Earl of Tankerville. The necessity of removing one of those Noblemen, and the vacancy which must follow from such removal, had afforded an opportunity of accommodating a noble Lord (Hawkesbury) who had been alluded to, and to whom gentlemen might allude as often as they pleased, in the way in which they did, so long as he was persuaded that every favour which had been confer... ...ble person, since

 he

he had any ſhare in His Majeſty's Councils, had been fully earned by the moſt able and meritorious ſervices; but the vacancy was not made for the ſake of accommodating the noble Lord (Hawkeſbury) as it was evident that the two noble Lords could not poſſibly continue to act together; and whether the noble Earl (Tankerville) or Lord Carteret had been removed, it would have made no difference with reſpect to Lord Viſcount Hawkeſbury; for, in either caſe, there would have been an opening for him. Beſides, there certainly was nothing perſonal intended againſt the noble Earl of Tankerville; for, at the very moment of his removal from the Poſt Office, there was an arrangement ſet on foot for the purpoſe of accommodating him, but his Lordſhip would not liſten to it.

With reſpect to the charge againſt Lord Carteret, of the annual allowance made to Mr. Treves out of the ſalary of Mr. Lees, it certainly was an abuſe, and one which that Houſe ought not to countenance. He was ſorry to ſay it was an abuſe to be met with in many other public departments; but that was certainly no excuſe, as it was by no means a fit way of providing even for a deſerving ſervant of the Public, much leſs a perſon who had no claims upon the State; for, if the ſalary of an employment were too great for the duty, it ought to be reduced, and, if it were not too great, it was injuſtice to make it leſs, by charging it with a proviſion for a perſon who did not do his duty. Still, there were inſtances in which it might be allowable, as where a perſon became ſuperannuated, and incapable of doing the duty of his office, it was but natural to grant him a ſupport out of the income of his ſucceſſor, and that ſucceſſor might think himſelf ſufficiently compenſated for the ſmallneſs of his preſent profits by the proſpect of a future increaſe, by the falling in of the penſion. This was the ſtate of the caſe with reſpect to Mr. Barham and Mr. Lees, and with that part of it only had he any concern. Notwithſtanding the indignation and warmth which the noble Earl might now feel, and which it appeared that he had ſo very amply communicated to the honourable gentleman, he remembered the time when the noble Earl had thought much more mildly on the ſubject, as he could take upon him to ſay, from his recollection, that the noble Earl had been extremely urgent with him to conſent to an allowance to Mr. Lees, as a compenſation for the ſum paid by him to Mr. Treves. But, upon the whole, thoſe circumſtances, as well as thoſe which related to Mr. Hutchinſon and Mr. Molyneux, although improper, were not attended even with any imputed circumſtance of corruption on the part of Lord Carteret, nor did he imagine that any honourable gentleman

wiſhed to carry the buſineſs ſo far as a cenſure againſt that Nobleman. On the cont[illegible], he was fully ſatisfied that he himſelf was [illegible] only object of hoſtility. [illegible]or all theſe reaſons, he ſhould moſt [illegible] concur with the noble Viſcount in voting [illegible] the pre[illegible]ſtion.

Mr. *Sheridan* obſer[illegible]t was extremely natural for the right honourable gentleman [illegible]otwithſtanding his concern for Lord Carte[illegible], to take no[illegible] of that [illegible]t of his honourable friend's ſpeech firſt, which [illegible] immediately related to himſelf. The right honourable gentleman had with great [illegible]parent firmneſs animadverted upon what [illegible] honourable [illegible] had ſaid, but the right honourable gentleman muſt [illegible] him if he did not give entire credit to the manner of [illegible] anſwer, but on the contrary, took the liberty of aſſerting that the right honourable gentleman did feel, and ſeverely [illegible] [illegible]preſſion of his honourable friend. [illegible] words which the right honourable gentleman [illegible] of his honourable friend's firſt ſpeech in the Houſe, the right honourable gentleman had not quoted his honourable friend correctly; for, if he had, the Houſe would have ſeen that his honourable friend was by no means chargeable with inconſiſtency. His honourable friend had not profeſſed perſonal reſpect to the right honourable gentleman, but only ſaid, that he gave him credit for the goodneſs of his intention in the meaſures which he brought forward, and, therefore, he hoped the right honourable gentleman would give him credit, when he aſſerted, that in oppoſing the meaſure at that time under conſideration (the commercial treaty with France) that his motive was honeſt. This was (Mr. Sheridan ſaid) a true deſcription of what had then paſſed. With regard to any thing which his honourable friend had ſaid, that might be improper, when he conſidered the talents and the ability that his honourable friend had ſhewn at his outſet and ever ſince, though he muſt, undoubtedly, be called a young member, yet he would agree with the right honourable gentleman, that ſuch a young member was as little pardonable for any error as the oldeſt member of the Houſe. On the preſent occaſion, however, he muſt contend that his honourable friend had not merited the reproof, which the right honourable gentleman, the veteran ſtateſman of four years experience, the Neſtor of twenty five, had been pleaſed to beſtow on him. Mr. Sheridan, now proceeded to the main queſtion, and reminded the Houſe that he had oppoſed the bill called the office-fee-reform bill, when originally brought in, as a bill of oſtentation and parade, rather than a bill likely to prove of ſolid advantage and utility; and he was now convinced that it had been what he then deſcribed it to be, ſince it appear[illegible] [illegible] honourable gentleman

Mr. Sheridan.

man near him (Mr. Baring) had ſaid, that the Commiſſioners had begun at the wrong end, and gone in ſearch of abuſes where no abuſes could have exiſted. The honourable gentleman had ſaid that the Commiſſioners went firſt into the office of the Old Board of Trade;—a curious beginning—to ſearch what abuſes had been formerly practiſed in an office which no longer exiſted!—They had, next gone into the Secretaries of States offices; the offices of all others leaſt likely to be pregnant with abuſe. If any abuſe was there, it was, that the deputy Secretary of State, whoſe duty was arduous and important, were by no means ſufficiently paid. But it was in vain to ſay what the Commiſſioners had done ſince the honourable gentleman confeſſed himſelf unfit to be a Commiſſioner, for, he had expreſly told the Houſe, that it had coſt him more trouble to write a ſingle line of a report, than it would take him to pen an entire report of the Commiſſioners of Accounts. The right honourable gentleman's bill (Mr Sheridan ſaid) he had never conſidere as an excluſion of all future inquiry; and yet from the right honourable gentleman's argument of that day, he ſeemed ſo to regard it; for, notwithſtanding that the facts ſtated in the opening of the preſent ſubject by his honourable friend had all of them been ſubſtantiated and eſtabliſhed by evidence, yet the right honourable gentleman was for leaving them for the correction of the Commiſſioners, when they ſhould have leiſure to attend to them. It appeared, indeed, that the right honourable gentleman had ſurrendered his underſtanding when he brought in the bill, and was determined to hear only with Mr. Baring's ears, and to ſee with the eyes of Sir John Dick; and, therefore, he could not pay the leaſt attention to the repreſentations of the noble Earl (of Tankerville). But as he did not accuſe the Commiſſioners of celerity—for they had hitherto moved as ſlowly as the old mails—he wiſhed that they would ſtep to the Poſt Office, where probably they might be benefited by Mr. Palmer's accelerating plan. Mr. Sheridan read a clauſe from the bill to ſhew, that the tranſactions relative to the 350l. and the 200l. as well as the affair of the agency to the Helvoetſluys packets, come directly within the meaning of the clauſe, declaring, that any perſon or perſons guilty of ſuch practices ſhould be incapable of ſerving His Majeſty in any civil capacity in future. The right honourable gentleman (Mr. Pitt) appeared to plume himſelf upon his political connections with a noble Lord (Hawkeſbury) and, ſacrificing to theſe, he had diſmiſſed from office the noble Earl (of Tankerville) and retained the noble Lord (Carteret) although by the office-fee bill, if it had paſſed into a law, the latter, on the preſent charge being proved, muſt have been diſqualified from holding any office under Government. But this

was

was done to reward Mr. Jenkinſon's public ſervices, ſecret ſervices, and ſervices in that Houſe. Indeed his many eminent ſervices could not be forgotten by the right honourable gentleman, as on a very recent occaſion, he overturned his own favourite meaſure, by deſtroying the Iriſh propoſitions. This was one of the ſecret ſervices for which he had ſo meritoriouſly received a recompence.

Mr. Rolle.

Mr. *Rolle* remarked that he did not intend to ſay a word in the debate, but the honourable gentleman who made the firſt motion had deſcribed a noble Lord (Hawkeſbury) as having given the right honourable gentleman his ſituation, and added that he could diſmiſs him with a nod. Such language, was neither decent nor reſpectful to the Houſe. With regard to the right honourable gentleman coming into office, he could ſpeak; and as to his diſmiſſion, he hoped it would be long enough before he ſhould be able to ſpeak of ſo unfavourable a circumſtance. The right honourable gentleman had come into office on the voice of the people. He himſelf had carried an addreſs to the Throne, congratulatory on that event, and ſimilar addreſſes had been ſent up from all parts of the kingdom. Mr. Rolle declared, that, as to the abuſes in the report, they appeared to him to be too inſignificant to require the interference of that Houſe. The Commiſſioners under Mr. Pitt's bill were the propereſt perſons to correct them. With regard to the miſunderſtanding between the two noble Lords lately at the head of the Poſt Office, as far as he underſtood the matter, it was a conteſt between them which ſhould have the largeſt ſhare of the loaves and fiſhes. As a proof that the right honourable gentleman had done more than make profeſſions of purity and reform, Mr. Rolle mentioned the ſaving of Colonel Barre's penſion to the public and ſaid other acts of the ſame kind had characterized his (Mr. Pitt's) conduct. He recommended the abolition of the office of joint Poſt-maſter general, as one perſon could (he thought) do all the duty of the office.

Mr. Martin

Mr. *Martin* ſaid, he was equally ſtranger to both the noble Lords, but the abuſes in the Poſt Office were ſuch as called for immediate remedy, and as an honourable gentleman near him had ſaid it would be a conſiderable time before the Commiſſioners under the office reform bill could attend to the Poſt-office abuſes, he ſhould vote for the original queſtion.

Mr. Baring.

Mr. *Baring* appealed to the Houſe, whether he had ſaid any thing like what the honourable gentleman had ſtated?

Mr. *Fox* remarked, that he thought the whole proceeding extraordinary and with regard to the honourable gentleman who brought forward the inquiry, moſt unfair and unhandſome. If it was meant to do nothing, why did they ſuffer the Committee to be appointed at all? If they really came to no reſolution, it would be [illegible] "we ſent you and [illegible] "your

"your friends on a fool's errand, and now you may take your "labour for your pains." The plain meaning was, that when the right honourable gentleman consented to the Committee, he thought the honourable gentleman could not prove his facts, and that it would end in disgrace to those who desired an inquiry. Hence the loud call for a report; and, now that the honourable gentleman had made good his charges and presented a report, the House would disgrace itself, if it passed it by unnoticed and in the manner proposed. Mr. Fox took notice of what Mr. Rolle had said relative to Mr. Pitt's having come in by the voice of the People, and observed, that it was rather strange to prove a former fact, by a subsequent proceeding. The truth (he said) was, His Majesty had been advised by some person not ostensible, to take the object of his private choice, in direct contradiction to the sentiments of the House of Commons, and make him Minister. That was one of the grand constitutional questions on which he, and those who acted with him, differed from the other side of the House. Mr. Fox added, that he had been sometimes accused of holding rather too high language with regard to the Minister's power of dismissing, when he pleased. There were however, some cases in which that power might be so far abused, as to make it fit matter for parliamentary inquiry, and the dismission of the noble Earl (of Tankerville) upon the reasons assigned for it, among others, upon his misunderstanding with Lord Carteret, appeared to be one of them. He raised an argument on the distinction between a Minister's giving a person an office, when the acceptance of it was a favour done him, and his taking away an office, when the suffering a person to keep it was a favour done to that person by the Minister, and he applied it to the creating the Earl of Tankerville joint Post-master, when Mr. Pitt first came into power, and his taking it from him to accommodate Lord Hawkesbury, when it was no longer hazardous to boast of the friendship of the latter. He reminded the House, that the right honourable gentleman had, for the first time, publicly boasted of the services of the noble Lord, and he remarked, that in the day of danger and of contest, that noble Lord's name was never ventured to be mentioned, and though Administration enjoyed the assistance of his vote, they at that time thought it not prudent to declare it with an air of triumph. Now that the hour of greater safety was arrived, they chose to divide the spoils gained by their former battles, and to give the noble Lord an ample share. He examined Lord Hawkesbury's claims to praise, and said, exclusive of those parts of his conduct, which the noble Lord, when Mr. Jenkinson, had uniformly denied, but which they knew to be true, his public life had been as little distinguished by acts of meritorious service of any kind,

as that of any man living, although within the last twenty years every Administration, two only excepted, had deemed his being with them a matter of indispensable moment.

He replied to what Mr. Pitt had said of Mr. Grey's being a party man, and declared that the honourable gentleman was not of that description, but he hoped by degrees he might become a party man: he defended the term, and maintained, that as long as there were great constitutional questions, respecting which there were differences of opinion, to be a party man was to act most honourably. In this country there were known differences of opinion on great questions, and on none more than the manner in which the right honourable gentleman came into office. Mr. Fox declared that he should vote for the original question, although he certainly had not advised the bringing the subject forward, nor should he have recommended it, because he did not think it of a size equal to the honourable gentleman's character and importance.

Mr. *Grey* said, that he could not avoid rising in reply to the observations of a right honourable gentleman (Mr. Pitt) respecting his sincerity, his consistency, his inexperience, and his holding language not fit to be used in that House. With regard to the first, he denied that he had used the words imputed to him by the right honourable gentleman; what he had said in his first speech was, that his opposition to a measure then under consideration (the Commercial Treaty) arose from no motive of personal dislike to the right honourable gentleman; that he gave him credit for the goodness of his intentions, and hoped that the right honourable gentleman would in return give him credit, when he asserted that his opposition originated in an honest motive, and in his sense of duty as a member of Parliament. Mr. Grey declared, that if on any future occasion a compliment to the right honourable gentleman should suggest itself to his mind, he would studiously suppress it, to avoid the risque of being afterwards charged with insincerity. Perhaps, since the day to which the right honourable gentleman had alluded, his opinion of him had a little altered, and that not from what had passed while he was abroad, but since he had been a nearer witness of his conduct. With regard to his having, from his exceeding great inexperience, made use of language unfit for that House, he could only say that he had more than once heard the right honourable gentleman hold language there, both to him and others, which out of that House would not be borne. Mr. Grey added, that he trusted that his noble relation and himself stood fully acquitted of having brought forward any charges which they had not been [illegible] substantiate, Mr. Grey.

and

and that being the case, it was matter of indifference to him what was done with the Report: he did not mean to take the sense of the House on the occasion.

The previous question was carried; and after that, a motion was made, "that the farther consideration of the Re-" port be adjourned to that day three months." This was likewise carried.

Mr. *Sheridan* now begged leave to call the attention of the House to the motion which he had, several days before, promised concerning the internal reform of the Royal Boroughs of Scotland, He would not, at this late period of the session, enter deeply into the subject, as the gentlemen entrusted with the direction of the new system for the better government of the boroughs, had no idea of its being fully canvassed previously to the next session of Parliament. All that he therefore meant to propose was for leave to present to the House the various petitions in favour of the measure. That which he held in his hand was from the inhabitants of the city of Glasgow, containing near 1500 signatures of men, in every view, of the highest respectability and independence. He, however, was sorry to observe, that he had been informed, from authority, that the prayer of the petitioners could not, according to the regulations of the House, be considered this session of Parliament, the time of receiving private petitions having expired, and this being supposed to come under that description. Although he very much respected the source of intelligence from whence this opinion was derived, yet he was free to say, that a petition, containing the signatures of such a numerous class of men certainly could not, strictly speaking, be considered as a private petition, but was, in every sense of the word, a *public* petition; and, consequently, demanded the attention of Parliament. He read an extract from it, which stated the great hardships which the petitioners and the people of Scotland suffered from the present corrupt government of the Royal Boroughs, particularly so far as related to the management of the revenue; that acts of enormity and peculation existed, and ought to be remedied; and that the petitioners prayed that the House would take the subject into consideration, and enact such a salutary reform as to them in their wisdom should seem necessary. Mr. Sheridan concluded by moving for leave to present the petition.

The *Speaker*, considering it in the light of a private petition, gave his opinion against the motion.

Mr. *Fox* observing, that he rose to support his honourable friend, added, that, notwithstanding what had been advanced by the right honourable gentleman who so respectfully filled the chair, he thought the subject deserved a different consideration.

deration. It was, in his opinion, a petition of as public and universal a nature as any which had ever been presented. No man could deny that the publicity of its object comprehended the idea of an universality to a very great extent; and, therefore, upon this ground, the application of the word *private* was futile in the extreme. He applauded the measure of reform; and so far as his investigation had proceeded, he thought it claimed the concurrence of Parliament. Indeed, he had only heard one side of the question; but, there were such convincing arguments adduced, that he apprehended every impartial person would be of a similar opinion. Gentlemen should recollect, that the final question concerning the propriety or impropriety of a reform of the Royal Boroughs of Scotland was not now meant to be discussed. It was only proposed, that the petitions should be presented, in order that the members might be apprized of the new system, and come forward, prepared for a discussion, at the commencement of the next session of Parliament.

The Speaker. The *Speaker* persisted in his opinion. He thought that, on several accounts, it was a private petition. It did not appear sanctioned by all the members of the Royal Boroughs of Scotland as petitioning in favour of the reform, but only by a few, who, when compared to the majority of the people, were very inconsiderable.

Mr. Fox. Mr. *Fox* recurred to the sentiments which he had delivered in defence of the petitioners, and declared, that he apprehended that a few individuals, however insignificant, had a right to petition Parliament for the repeal of an act which was considered as universally obnoxious. Viewing the subject in this light, the present petitioners demanded the attention of the House, their mode of application being strictly constitutional. As to any insinuations against the impropriety of the petitioners measures, he was perfectly convinced, that, constitutionally considered, two or three natives of Scotland, living in Cornwall, or in any part of Great Britain, had a right to petition Parliament against any system, the operation or existence of which was attended with universal injury to their fellow subjects in Scotland; and that such petitions merited the mature deliberation of that House.

Mr. Dundas. Mr. *Dundas* expressed his astonishment, that the subject had not been sooner agitated in Parliament. Excepting the honourable mover, he believed few who espoused the cause knew its merits or demerits. As a convincing proof, he wished that gentleman would rise up in his place, and tell what he conceived to be the object of the reform. He was not for arguing a matter of such importance, at this late period of the session, and in a thin House. He would meet it fairly and fully, next session, or at any time when the subject

ject was resumed; and for that purpose, although he believed that he should oppose the reform, he moved, "that the "House should now adjourn."

Mr. Grey. Mr. *Grey* mentioned, that he held in his hand a petition from a numerous and respectable body of the inhabitants of Dundee. He would not, however, urge the presenting of it at present, he agreeing in some particulars with the last right honourable gentleman, that it would be better to take the subject into consideration in a fuller House; but, as to the salutary effects likely to be derived from the adoption of the reform so earnestly recommended, he did not entertain the smallest shadow of doubt, consequently, it should have his most cordial support.

Mr. Anstruther. Mr. *Anstruther* opposed the motion. He condemned, in general terms, the object of the petitioners, and was surprised that the matter had not been sooner brought forward, he being informed that many of the gentlemen had been several months in town.

Visc Maitland. Viscount *Maitland* also rose with a petition in his hand. He warmly recommended the proposition for a reform, and bestowed high encomiums on the projectors of the plan. He urged the propriety of receiving the petitions.

Mr. Dempster. Mr. *Dempster* observed, that, although he did not approve of the principles of the reform, yet he could not hear, in silence, insinuations advanced against his constituents (of Dundee) for supineness. He was perfectly convinced, that they did not deserve any such censure. With regard to the reform about to be proposed, he must give his dissent, the system tending to a subversion of that particular mode of government of the Royal Boroughs, which had existed for upwards of two hundred years.

Mr. Sheridan. Mr. *Sheridan* defended the conduct of the gentlemen who officiated as delegates from Scotland. He declared, that their attention to the trust reposed in them by their countrymen, deserved the highest panegyric, as he never saw any description of men more sincerely or more warmly bent upon the particular object of their pursuit. Previous to their residence in London, they had shewn the most active attachment to the laudable plan which had been brought forward; and although they had been several weeks in town, their time was strictly occupied in the duties incumbent upon them. They had visited and solicited all the representatives from their own country, who had, to a man, rejected their proffers, refusing to countenance a reform which militated so essentially against the interest of their constituents. The gentlemen alluded to were not, however, discouraged, but proceeded with that manly perseverance and fortitude which should always command success. If the motion of adjournment were now carried,

ried, he promised that the business should be resumed as early as possible, next session of Parliament.

Sir *John Sinclair* disapproved of the intended plan, but promised to submit to the House, in the course of the ensuing session of Parliament, a proposition for a new system of the government of the Royal Boronghs. Sir John Sinclair.

Mr. *Adam* stated his objections to the present measure. He said, that he had always resisted reforms, and still entertained the same opinion of this intended innovation. He would meet the question fairly; but so far as regarded the alteration of the mode of electing members to serve in Parliament, he would give his decided opposition. Mr. Adam.

Mr. *Dundas*'s question of *adjournment* was carried.

The House adjourned.

*Wednesday, 30th May.*

Sir *Herbert Mackworth* rose in his place, and said, that he had reason to believe, that a petition which he had the honour of presenting to the House, and which still lay on the table, had been so far taken into consideration by His Majesty's ministers, that he flattered himself they were far from being inimical to the prayer of it. He had the firmest confidence, that when the case should come to be fully stated to the House, there would be but one voice upon the subject, and that would be favourable to the noble petitioner; for at present, that nobleman stood a singular and unprecedented instance of suffering under the most peculiar circumstances of hardship; and he flattered himself, that after the generous example of restoring to all other sufferers for the same cause, the whole of their forfeited estates, some effectual means would be devised by His Majesty's ministers, of affording relief to the noble Earl, whose family had suffered much more, for a much longer time, and under much greater hardships, than any of the objects of the Legislature's late bounty. He proposed, therefore, early in the next session, to bring forward the consideration of his case, which, by the desire of His Majesty's Ministers, he had forborne to do during the present session; and he confided in the equity and humanity of the House, that he should be countenanced and supported in the prosecution of the business. Sir Herbert Mackworth.

Mr. Chancellor *Pitt* arose, and observed, that the variety and multiplicity of public business during the session, had prevented him from being able to make up his mind upon the subject of the petition, to which the honourable Baronet alluded, and which he understood to be that of the Earl of Newburgh. He had now looked into the case, and found it Mr. Chancellor Pitt.

 to

to contain the greatest hardships. The appropriation of the rents of Derwentwater estates to the support of Greenwich Hospital, made the restitution of that estate a matter of more difficulty, than instances of liberality mentioned by the honourable Baronet. He hoped, however, that some method might be devised, by which the noble Earl might be very materially benefited, and the public not prejudiced:—He understood that there were certain benefits attending that estate, such as patronages, &c. from which the public drew no profit whatever, and which might be turned to advantage by the noble Earl, in case he should be reinstated in the possession of his family estates. And he also imagined, that the management of the estates by a private individual, might be such, that he would derive much more advantage from them, than the public possibly could; and, therefore, he should flatter himself, that, in the next session, he might find the House ready to concur in adopting some means of securing to the Hospital nearly as much as it now receives; and, at the same time, of affording very material relief to the noble Earl, for whose case he felt much, and whom he wished earnestly to relieve.

Mr. Burke, at the bar, reported, that he had, in obedience to the Commands of that House, exhibited further articles of impeachment against Warren Hastings, Esq. at the bar of the House of Lords.

Sir Francis Molyneux (the Gentleman Usher of the Black Rod) now came to signify the King's pleasure that the Commons should attend him in the House of Lords. And they, accordingly, repairing thither,

His Majesty was pleased to make a most gracious speech from the throne to both Houses of Parliament, as followeth:

" *My Lords, and Gentlemen,*

" I cannot close this session of Parliament without ex-
" pressing my entire approbation of the zeal and assiduity
" with which you have applied yourselves to the objects
" which I recommended to your attention; and at the same
" time returning you my particular thanks for the proofs
" which you have given of your affection for me, and for
" my family and government.

" The assurances which I receive from foreign powers, of
" their good disposition to this country, and the continuance
" of the general tranquillity of Europe, afford me great sa-
" tisfaction; but dissentions unhappily prevail among the
" States of the United Provinces, which, as a friend and
" well-wisher to the Republic, I cannot see without the most
" real concern.

*Gentlemen*

" *Gentlemen of the House of Commons*,

" The chearfulness with which you have granted the ne-
" cessary supplies, and the ample manner in which you have
" provided for the several establishments, demand my sincerest
" thanks.
" I see, with particular satisfaction, that you have, at the
" same time, been able to furnish the sum annually appro-
" priated to the reduction of the national debt, without im-
" posing any new burdens on my people.

" *My Lords, and Gentlemen*,

" I reflect, with peculiar pleasure, on the measures which
" you have taken for enabling me to carry into effect the
" treaty of navigation and commerce with the Most Chris-
" tian King, and for facilitating the collection, and simplify-
" ing the accounts, of the various branches of the revenue,
" which, I trust, will be productive of the most beneficial
" effects. And I rely upon your using your best endeavours,
" in your several counties, to carry into effect the measures
" which have been taken for the prevention of illicit trade,
" and to promote good order and industry among every class
of my subjects."
And afterwards the Lord Chancellor, by His Majesty's Command, said,

" *My Lords, and Gentlemen*,

" It is His Majesty's Royal will and pleasure, that this
" Parliament be prorogued to Tuesday, the 31st day of
" July next, to be then here holden; and this Parliament is
" accordingly prorogued to Tuesday, the 31st day of July
" next."

An

An Account of the

# MONIES remaining in the EXCHEQUER,

On the 5th day of April 1787;

Of the Surpluſſes, Exceſſes or Overplus Monies, and other Revenues, of the Fund commonly called the SINKING FUND,

For the diſpoſition of Parliament,

After ſatisfying the ſeveral Annuities and other Charges thereupon.

THE monies remaining in the Exchequer on the 5th day of April 1787, of the ſurpluſſes, exceſſes or overplus monies, and other revenues, of the fund commonly called the Sinking Fund, for the diſpoſition of Parliament, after ſatisfying the ſeveral annuities and other charges thereupon, amount to the ſum of one million two hundred and twenty-ſix thouſand ſeventy-two pounds two ſhillings and eleven pence half-penny.

*Exchequer, the 17th day of April* 1787. JOHN HUGHSON.

An Account of ſums paid into the Exchequer on account of the LAND and MALT Taxes, between the 5th January 1786 and 5th January 1787.

LAND TAXES.

| | | | | £. | s. | d. |
|---|---|---|---|---|---|---|
| 15th | - | 3s. Aid, *Anno* | 1767 | 1,065 | 5 | 3 |
| 22d | - | Do. - | - 1775 | 8,000 | 0 | 0 |
| 40th | - | 4s. — | - 1776 | 500 | 0 | 0 |
| 42d | - | — | - 1778 | 274 | 12 | 7½ |
| 43d | - | — | 1779 | 3,339 | 14 | 7 |
| 44th | - | — | - 1780 | 1,672 | 15 | 11½ |
| 45th | - | — | - 1781 | 329 | 15 | 1 |
| 46th | - | — | - 1782 | 342 | 2 | 10 |
| 47th | - | — | - 1783 | 47,610 | 6 | 9¼ |
| 48th | - | — | - 1784 | 241,960 | 12 | 10¼ |
| 49th | - | — | - 1785 | 1,380,147 | 13 | 5¾ |
| 50th | - | — | - 1786 | 353,029 | 10 | 0 |
| | | | £. | 2,038,272 | 9 | 5¼ |

MALT

## MALT DUTIES.

| | | £. | s. | d. |
|---|---|---|---|---|
| Malt, *Anno* 1784 | - - - | 12,752 | 0 | 0 |
| Do. - 1785 | - - - | 501,916 | 0 | 0 |
| | £. | 514,668 | 0 | 0 |

*Exchequer, the 17th day of April* 1787.

JOHN HUGHSON.

An Account of the sums paid into the Exchequer on account of the LAND and MALT Taxes, between the 5th day of April 1786 and the 5th day of April 1787.

## LAND TAXES.

| | | | | £. | s. | d. |
|---|---|---|---|---|---|---|
| 13th | - 3s. Aid, *Anno* | 1767 | - - | 525 | 8 | 6 |
| 22d | - Do. - | 1775 | - - | 8,000 | 0 | 0 |
| 40th | - 4s. Do. - | 1776 | - - | 500 | 0 | 0 |
| 42d | - Do. - | 1778 | - - | 274 | 12 | 7½ |
| 43d | - Do. - | 1779 | - - | 5,134 | 14 | 7 |
| 44th | - Do. - | 1780 | - - | 1,672 | 15 | 11½ |
| 45th | - Do. - | 1781 | - - | 329 | 15 | 1 |
| 46th | - Do. - | 1782 | - - | 364 | 11 | 6 |
| 47th | - Do. - | 1783 | - - | 13,096 | 2 | 0¾ |
| 48th | - Do. - | 1784 | - - | 155,637 | 15 | 2¼ |
| 49th | - Do. - | 1785 | - - | 1,208,323 | 16 | 7¼ |
| 50th | - Do. - | 1786 | - - | 532,059 | 10 | 0 |
| | | | £. | 1,925,919 | 2 | 1¼ |

## MALT DUTIES.

| | | | | |
|---|---|---|---|---|
| Duty on Malt, *Anno* 1784 | - - | 1,317 | 0 | 0 |
| Do. - - 1785 | - - | 510,626 | 0 | 0 |
| | £. | 511,943 | 0 | 0 |

*Exchequer, the 17th day of April* 1787.

JOHN HUGHSON.

An Account of the total ſums paid into the Exchequer between the 5th January 1786 and the 5th January 1787, on account of the DUTIES on Hats, Plate, additional Duty on Ale Licences, Quack Medicines, Certificates for killing Game, Duty on Pawnbrokers Licences, Attorneys Licences, Gloves, Poſt Horſes, and Perfumery; diſtinguiſhing the ſums paid on account of each Tax.

| | £. | s. | d. |
|---|---|---|---|
| Hats - - - - - - | 37,958 | 8 | 5 |
| Additional duty on ale licences - - | 23,871 | 6 | 2 |
| Plate - - - - - - - - | 23,584 | 11 | 11 |
| Quack medicines - - - - - | 12,608 | 4 | 10 |
| Certificates for killing game - - | 46,784 | 2 | 2 |
| Pawnbrokers licences - - - | 4,505 | 18 | 3 |
| Attorneys licences - - - - - | 24,632 | 11 | 4 |
| Gloves - - - - - - - - | 17,061 | 2 | 11 |
| Poſt Horſes - - - - - - | 146,204 | 8 | 3 |
| Perfumery - - - - - - | 4,705 | 0 | 0 |
| | £. 342,113 | 14 | 3 |

*Stamp Office,* J. LLOYD, Pro C[illegible]ptr.
*January* 11*th* 1787.

An Account of the total ſums pa[illegible] between the 5th of April 1786 and th[illegible] 07, on account of the DUTY on Hats, [illegible]nal Duty on Ale Licences, Quack Medicines, Ce[illegible]tes for killing Game, Duty on Pawnbrokers Licences, [illegible]ttorneys Licences, Gloves, Poſt Horſes, and Perfumery; [illegible]iſtinguiſhing the ſums paid on account of each Tax.

| | £. | s. | d. |
|---|---|---|---|
| Hats - - - - - - - - | 40,183 | 1 | 2 |
| Plate - - - - - - - - | 1[illegible],761 | 14 | 2 |
| Additional duty on ale licences - - | 23,101 | 3 | 5 |
| Quack medicines - - - - - | 13,312 | 4 | 10 |
| Certificates for killing game - - | 47,865 | 2 | 2 |
| Pawnbrokers licences - - - | 4,880 | 8 | 3 |
| Attorneys licences - - - - - | 26,876 | 7 | 7 |
| Gloves - - - - - - - - | 18,150 | 0 | 10 |
| Poſt Horſes - - - - - - | 153,160 | 6 | 6 |
| Perfumery - - - - - - | 8,197 | 0 | 0 |
| | £. 353,487 | 8 | 11 |

*Stamp Office,* J. LLOYD, Pro Comptr.
*April* 7*th* 1787.

An

An ACCOUNT of the SUMS arising from the DUTIES on INHABITED HOUSES, under an act of the 24th year of His present Majesty, which, in pursuance of the said act, have been paid over, by the persons appointed to receive the same, to the Receiver General of his Majesty's Customs, between the 5th of January, 1786, and the 5th of January, 1787.

| COUNTIES. | Receivers General. | Sums. |
|---|---|---|
| Derby | S. Crompton | 2000 — — |
| Kent | Sir B. Bridges, Bart. | 1500 — — |
| Do. | Do. | 1344 1 11 |
| Somerset | Ch. Hutchings | 1700 — — |
| Wilts | T. Phipps | 500 — — |
| Dorset, | F. Stewart | 1500 — — |
| Norfolk | Wm. Fisher | 1000 |
| Eastern Division of Essex | R. Andrews | 739 17 —½ |
| West Riding of York | G Cooke | 1500 — — |
| Surrey | Jo. Ford | 4000 — — |
| Nottingham | Geo Mason | 1500 — — |
| City of London | C. E. Wilsonn | 10,000 — — |
| Norfolk | R Kerrison | 1500 — — |
| Do. | Wm Fisher | 1000 — — |
| Kent | Sir B Bridges, Bart. | 3000 — — |
| Stafford | F. Cobb | 1000 — — |
| Leicester | R Ruding | 1000 — — |
| Bucks, Lower Division | Ph. Box | — 4 |
| Northampton and Rutland | T W. Partington | 854 11 — |
| West Riding of York | Geo. Cooke | 1000 — — |
| Worcester | Jos Berwick | 500 — — |
| Warwick | B. Troughton | 700 — — |
| Dorset | F Steward | 450 — — |
| Norfolk | W. Fisher | 1130 7 9 |
| Cambridge | S. Francis | 200 — — |
| Devon | R. R. Drewe | 900 — — |
| City of London | C. E. Wilsonn | 5000 — — |
| Do. | Do. | 5000 — — |
| Norfolk | R. Kerrison | 1000 — — |
| Durham and Northumberland | A. Surtees | 2575 — — |
| Oxford | T. Walker | 1000 — — |
| Lancaster | Jo. Gregson | 3000 — — |
| Berks | J. Deane | 1000 — — |
| Derby | S. Crompton | 500 — — |
| Berks | Jo Deane | 508 — — |
| Do. | Do. | 800 — — |
| Warwick | Bryan Troughton | 500 — — |
| Glamorgan | J. Fenwick | 800 — — |
| City of London | C. E. Wilsonn | 2000 — — |
| Chesshire | Tho. Mills | 3000 — — |
| Leicester | R. Ruding | 948 15 10½ |
| Cumberland and Westmorland | M. Atkinson | 2000 — — |
| City of London | Wilsonn | 687 16 11 |
| Suffolk | bink | 2000 — — |

| COUNTIES. | Receivers General. | Sums. | | |
|---|---|---|---|---|
| City of London | C. E. Wilsonn | — | 2 | 8 |
| Wilts | Tho. Phipps | 1000 | — | — |
| Cornwall | C. Rashleigh | 179 | 7 | — |
| Eastern Division of Essex | R. Andrews | 4000 | — | — |
| North Britain | Hon. Keith Stewart | 3000 | — | — |
| Warwick | B. Troughton | 1000 | — | — |
| Surrey | Jo. Ford | 1500 | — | — |
| Somerset | C. Hutchings | 3500 | — | — |
| Hants | Jo. Jennings | 62 | 18 | 6 |
| Do. | Do. | 6584 | 2 | 8 |
| West Riding of York | Geo. Cooke | 23 | 1 | — |
| Devon | D. Hamilton | 251 | — | — |
| Do. | Do. | 257 | — | — |
| Northampton and Rutland | T. W. Partington | 2600 | — | — |
| Dorset | F. Steward | 1500 | — | — |
| West Riding of York | G. Cooke | 1000 | | |
| Chester | T. Mills | 150 | | |
| Do. | Do. | 400 | | |
| Wilts | T. Phipps | 260 | 16 | |
| Western Division of Essex | J. Yeldam, jun. | 3000 | | |
| Suffolk | T. Kerr | 2500 | | |
| Do. | Do. | 5000 | | |
| City of London | C. E. Wilsonn | 10,000 | | |
| Bedford | Jo. Muller, jun. | 19 | 12 | |
| Do. | Do. | 2100 | | |
| Cardigan, Carmarthen, and Pembroke | P. Dubuisson | 400 | | |
| Hert. | Jo. B. West | [illegible] | | 3 |
| Do. | Do. | 3500 | — | — |
| Warwick. | B. Troughton | 1000 | — | — |
| North Wales | Bell Lloyd | 1000 | — | — |
| Hereford | J. Cam | 1400 | — | — |
| Worcester | Jos. Berwick | 1[illegible] | — | — |
| City of London | C. E. Wilsonn | 5000 | — | — |
| Lower Division of Bucks | P. Box | 1500 | — | — |
| North and East Ridings of York | M. Constable | 5000 | — | — |
| Cambridge | C. Pemberton | 2[illegible]00 | — | — |
| Nottingham | Geo. Mason | 1416 | 4 | 1 |
| Do. | Do. | 1000 | — | — |
| Leicester | R. Ruding | 2000 | — | — |
| Gloucester | Sir Jo. Guise, Bart. | 1[illegible]0[illegible] | — | — |
| Do. | Do. | 2500 | — | — |
| Berks | Jo. Deane | 1000 | — | — |
| Norfolk | R. Kerrison | 500 | — | — |
| Surrey | Jo. Ford | 600 | — | — |
| Bucks | Hy. Tomkins | 3200 | — | |
| Cambridge | S. Francis | 8 | 13 | $7\frac{1}{2}$ |
| Kent | Sir B. Bridges, Bart. | 8000 | — | — |
| West Riding of York | G. Cooke | 5000 | — | — |
| Suffolk | Jo. Spink | 1000 | — | — |
| Cumberland and Westmoreland | M. Atkinson | 1000 | — | — |
| Somerset | Jas. Coles | 1600 | — | — |
| Do. | Do. | 5150 | — | — |

Durham

| COUNTIES. | Receivers General. | Sums. | | |
|---|---|---|---|---|
| Durham and Northumberland | A. Surtees | 2400 | — | — |
| Glamorgan | E. Traherne | 20 | 1 | 5¼ |
| Chester | T. Mills | 3600 | — | — |
| Wilts | E. Wilkins | 1700 | — | — |
| Do. | Do | 3[illegible]00 | — | — |
| Derby | S Crompton | 1000 | — | — |
| Stafford | I Cobb | 4000 | — | — |
| Devon | R. R Drewe | 1[illegible]00 | — | — |
| Norfolk | R Kerrison | 496 | 15 | 11½ |
| Gloucester | Sir Jo Guise, Bart. | 20 | — | — |
| West Riding of York | Geo Cooke | 1500 | — | — |
| Lancaster | Jo Gregson | 773 | 2 | 5 |
| Devon | R R Drewe | 1000 | — | — |
| Cornwall | Ch Rashleigh | 2500 | — | — |
| Lancaster | Jo. Gregson | 8000 | — | — |
| Lincoln | B Claypon | 4000 | — | — |
| Do | D Hamilton | 400 | — | — |
| Stafford | F Cobb | 1000 | — | — |
| Suffex | Wm Mitford | 6000 | — | — |
| Berks | Jo Deane | 1300 | — | — |
| Salop | Somerset Davies | 3000 | — | — |
| Monmouth | Paul Morgan | 600 | — | — |
| City of London | C E. Willonn | 20,000 | — | — |
| Oxford | I Walker | 1000 | — | — |
| Northampton and Rutland | T. W. Partington | 400 | — | — |
| Brecknock | J. Herbert | 1000 | — | — |
| North Wales | Ben Lloyd | 1000 | — | — |
| Devon | D Hamilton | 1600 | — | — |
| Wilts | Tho Phipps | 2000 | — | — |
| Somerset | C Hutchings | 2000 | — | — |
| Do | Do | 350 | — | — |
| Dorset | F Stewart | 1000 | — | — |
| Suffolk | Jo. Spink | 1000 | — | — |
| West Riding of York | G Cooke | 200 | — | — |
| | Jo Cam | 500 | — | — |
| Do | Do. | 1000 | — | — |
| Oxford | T Walker | 1000 | — | — |
| North and East Ridings of York | M Constable | 1000 | — | — |
| Bedford | Jo Miller, jun. | 300 | — | — |
| Surrey | Jo Ford | 4000 | — | — |
| Leicester | R Ruding | 1000 | — | — |
| Nottingham | Geo Mason | 1000 | — | — |
| Southampton | Jo Jennings | 700 | — | — |
| Kent | Sir B. Bridges, Bart. | 4000 | — | — |
| Gloucester | Sir Jo Guise, Bart. | 160 | — | — |
| Do. | Do. | 1800 | — | — |
| Norfolk | W Fisher | 2000 | — | — |
| Worcester | Jos. Berwick | 400 | — | — |
| Do. | Do | 1200 | — | — |
| Somerset | Jas. Coles | 1500 | — | — |
| Lower Division of Bucks | Ph. Box | 500 | — | — |
| Pembroke | P. Debuisson | 1000 | — | — |

Do

| COUNTIES. | Receivers General. | Sums. | | |
|---|---|---|---|---|
| Devon | R. R. Drewe | 1000 | — | — |
| Durham and Northumberland | A. Surtees | 1300 | — | — |
| West riding of York | Geo. Cooke | 900 | — | — |
| Dorset | F. Steward | 500 | — | — |
| Devon | R. R. Drewe | 500 | — | — |
| City of London | C. E. Wilsonn | 20,000 | — | — |
| Durham and Northumberland | A. Surtees | 740 | — | — |
| Do. | Do. | 870 | — | — |
| Lincoln | T. Fydell | 2000 | — | — |
| Norfolk | Ro. Kerrison | 1500 | — | — |
| Warwick | B. Troughton | 366 | 13 | 8 |
| Suffolk | T. Fenn | 317 | 8 | 1½ |
| Berks | Jo. Deane | 500 | — | — |
| Lancaster | Jo. Gregson | 2000 | — | — |
| City of London | C. E. Wilsonn | 20,000 | — | — |
| Chester | T. Mills | 250 | — | — |
| Devon | R. R. Drewe | 183 | 15 | 9 |
| Do. | D. Hamilton | 500 | — | — |
| Warwick | B. Troughton | 1000 | — | — |
| Essex | R. Andrews | 2000 | — | — |
| Do. | Do. | 3000 | — | — |
| Do. | Jo. Yeldham | 1800 | — | — |
| Salop | S. Davies | 1000 | — | — |
| Norfolk | W. Fisher | 1000 | — | — |
| North and East Riding of York | M. Constable | 1028 | 13 | 11 |
| Brecon, Radnor, and Montgomery | Jo. Herbert | 1000 | — | — |
| Cumberland and Westmoreland | M. Atkinson | 1600 | — | — |
| Do. | Do. | 2000 | — | — |
| Wilts | T. Phipps | 500 | — | — |
| Oxford | T. Walker | 2500 | — | — |
| Suffolk | Jo. Spink | 300 | — | — |
| Warwick | T. Little | 2000 | — | — |
| West Riding of York | G. Cooke | 2100 | — | — |
| Hants | Jo. Jennings | 5000 | — | — |
| Dorset | F. Stewart | 500 | — | — |
| Do. | Do. | 1500 | — | — |
| Derby | S. Crompton | 500 | — | — |
| Somerset | C. Hutchings | 200 | — | — |
| Do. | Do. | 2200 | — | — |
| Bedford | Jo. Miller. jun. | 300 | — | — |
| Do. | Do. | 500 | — | — |
| Worcester | Jos. Berwick | 1300 | — | — |
| Northampton and Rutland | T. W. Partington | 1100 | — | — |
| Do. | Do. | 1200 | — | — |
| Norfolk | W. Fisher | 1000 | — | — |
| Chester | H. C. Cotton | 3000 | — | — |
| Hereford | Jo. Cam | 600 | — | — |
| Nottingham | Geo. Mason | 800 | — | — |
| Do. | Do. | 800 | — | — |
| [illegible] and East Riding of York | M. Constable | 500 | — | — |
| Worcester | Jos. Berwick | 170 | 9 | 4½ |
| Huntingdon | Owsley Rowley | 1050 | — | — |

Derby

| COUNTIES. | Receivers General. | Sums. | | |
|---|---|---|---|---|
| Derby | S. Crompton | 500 | — | — |
| Gloster | Sir Jo Guise, Bart. | 40 | — | — |
| Do. | Do. | 1,300 | — | — |
| Do. | Do. | 1,000 | — | — |
| Kent | Sir B. Bridges, Bart. | 800 | — | — |
| Do. | Do. | 6,000 | — | — |
| Warwick | B. Troughton | 1,500 | — | — |
| Bucks | Hy. Tompkins | 143 | 11 | 11 |
| Surry | Jo. Ford | 6,000 | — | — |
| Salop | S. Davies | 1,500 | — | — |
| Hertford | J. B. West | 3,000 | — | — |
| West Riding of York | Geo. Cooke | 5,000 | — | — |
| Norfolk | Wm. Fisher | 1,000 | — | — |
| Surrey | Jo. Ford | 500 | — | — |
| Leicester | R. Ruding | 2,200 | — | — |
| N. and East Riding of York | M. Constable | 3,000 | — | — |
| Dorset | F. Steward | 448 | 14 | 5 |
| Durham and Northumberland | A. Surtees | 212 | — | — |
| Do. | Do. | 2,004 | — | — |
| Norfolk | Wm Fisher | 1,000 | — | — |
| Berks | Jo Deane | 2,500 | — | — |
| Cornwall | C. Rashleigh | 500 | — | — |
| Do. | Do. | 500 | — | — |
| Norfolk | R. Kerrison | 1,000 | — | — |
| Bedford | Jo. Miller, jun. | 20 | — | — |
| Do. | Do. | 30 | — | — |
| Warwick | T. Little | 111 | 3 | 1 |
| Sussex | W. Mitford | 333 | 13 | $4\frac{1}{4}$ |
| Cambridge | C. Pemberton | 1,064 | 4 | $9\frac{3}{4}$ |
| Do | Do. | 2,000 | — | — |
| Derby | S. Crompton | 644 | 3 | 11 |
| Somerset | C. Hutchings | 100 | — | — |
| Salop | S. Davies | 500 | — | — |
| Devon | R. R Drewe | 1,400 | — | — |
| Glamorgan | E. Traherne | 1,458 | 1 | 6 |
| West Riding of York | Geo. Cooke | 800 | — | — |
| Cornwall | C Rashleigh | 2,000 | — | — |
| Devon | R. R. Drewe | 1,200 | — | — |
| North Wales | Bell Lloyd | 700 | — | — |
| N. and East Ridings of York | M Constable | 2,000 | — | — |
| Stafford | F. Cobb | 1,000 | — | — |
| Do. | Do. | 2,000 | — | — |
| Berks | Jo. Deane | 451 | 6 | 4 |
| Monmouth | P. Morgan | 500 | — | — |
| Derby | S. Crompton | 3 | 14 | $7\frac{1}{2}$ |
| North Britain | K. Stewart | 2,000 | — | — |
| Do. | Do. | 2,000 | — | — |
| Northampton | T. W. Partington | 500 | — | — |
| Oxford | T. Walker | 500 | — | — |
| Suffolk | Jo. Spink | 511 | 15 | $9\frac{1}{2}$ |
| Sussex | Wm. Mitford | 4,000 | — | — |
| Cheshire | T. Mills | 48 | 18 | 11 |

Lancaster

| COUNTIES. | Receivers General. | Sums. |
|---|---|---|
| Lancaſter | Jo. Gregſon | 500 — — |
| Do. | Do. | 4,500 — — |
| City of London | C. F. Wilſonn | 20,000 — — |
| Berks | Jo. Deane | 500 — — |
| Lincoln | T. Fydell | 1,500 — — |
| Suffolk | Jo. Spurk | 1,300 — — |
| Surrey | Jo. Ford | 1,500 — — |
| Northampton | T. W. Partington | 500 — — |
| | £. | 481,415 7 1½ |

For BAMBER GASCOYNE, Eſq.
18 Apr. 1787. Receiver General.

J. MILLS.

SUPPLIES granted by Parliament in the Fourth Seſſion of the 16th Parliament of Great Britain, 27th year of King Geo. III. 1787.

| | £ | s. | d. |
|---|---|---|---|
| For maintaining 18,000 ſeamen, including 3860 marines, and other naval ſervices — — — | 2,420,326 | 18 | 0 |
| For the army 17,630 effective men (including 2030 invalids) for guards, &c. in Great Britain — — | 618,687 | 1 | 0½ |
| For forces for plantations, &c. for 1787 — — | 234,628 | 18 | 5 |
| For difference for Britiſh and Iriſh pay for 6 regiments and 4 companies of foot in North America for the year 1787 | 6,834 | 19 | 2 |
| For the pay of general and ſtaff officers in Great Britain in the ſame year — — — — | 6,409 | 8 | 0 |
| For full pay to reduced ſupernumerary officers for 1787 | 23,110 | 12 | 6 |
| For one regiment of dragoons and 5 battalions of foot employed in the Weſt Indies — — — | 8,230 | 8 | 7¼ |
| To the paymaſter general and other officers of the army — | 59,253 | 12 | 1 |
| To the office of ordnance for land ſervice for 1787 — | 328,576 | 17 | 3 |
| To reduced officers of land forces and marines for the ſame year — — — — | 172,776 | 12 | 8 |
| To reduced officers of the horſe guards for the ſame year | 223 | 7 | 6 |
| To reduced officers of the Britiſh American forces for the ſame year — — — — | 55,092 | 10 | 0 |
| More for the ſame purpoſe — — — | 4,907 | 10 | 0 |
| To the officers late in the pay of the States General for the ſame year — — — — | 3,422 | 11 | 8 |
| For Chelſea Hoſpital for the ſame year — — | 172,525 | 15 | 10 |
| For penſions to officers widows — — — | 11,912 | 8 | 6 |
| For difference of Britiſh and Iriſh pay for ſeveral battalions and companies of foot for ſeveral periods in 1786 — | 3,253 | 11 | 0¾ |
| For extra expences of land forces from 25 Dec. 1785 to 24 Dec. 1786 — — — — | 465,117 | 19 | 11 |
| To pay of Exchequer bills of laſt ſeſſion — — | 1,500,000 | 0 | 0 |
| The like for a further ſum of deficiencies — | 1,500,000 | 0 | 0 |

To

| | £. | s. | d. |
|---|---|---|---|
| To make good to the Sinking Fund deficiencies of annuities granted by 31 Geo. II. for 1758 to 5 July 1786 — | 18,574 | 13 | 10¼ |
| The like by 18 Geo. III. for 1778 to 10 Oct. 1786 — | 127,796 | 19 | 3½ |
| The like by 19 Geo. III. for 1779 to 5 July 1786 — | 55,039 | 13 | 5½ |
| The like by 20 Geo. III. for 1780 to 10 Oct. 1786 — | 184,234 | 3 | 2½ |
| The like by 22 Geo. III. for 1782 to 5 July 1786 — | 11,205 | 5 | 11½ |
| The like by 23 Geo. III. for 1783 to 10 Oct. 1786 — | 292,448 | 14 | 7½ |
| The like by 24 & 25 Geo. for 1784 and 1785 to 5 July 1786 | 532,662 | 18 | 4½ |
| For deficiencies and loss by repeal of duties on tea by 24 and 25 Geo. III. in 1784 and 1785 to 5 April 1786 — | 233,410 | 6 | 7¼ |
| For deficiencies of grants for 1786 — — | 240,324 | 19 | 10½ |
| For civil establishment of Nova Scotia from 1 Jan. 1787 to 1 Jan. 1788 — — — — | 5,851 | 17 | 6 |
| The like of St. John's Island for the same time — — | 1,900 | 0 | 0 |
| The like of New Brunswick from 24 June 1787 to the same day in 1788 — — — — | 4,300 | 0 | 0 |
| The like of Cape Breton for the same time — — | 2,100 | 0 | 0 |
| The like of Newfoundland from 1 April 1787 to the same day in 1788 — — — — | 1,182 | 10 | 0 |
| For salaries, &c. in East Florida from 24 June 1785 to the same day in 1786 — — — — — | 2,600 | 0 | 0 |
| For salary of Chief Justice of the Bermuda islands from 24 June 1787 to the same day in 1788 — — | 580 | 0 | 0 |
| For the civil establishment of the Bahama islands from 1 Jan. 1787 to same day in 1788, in addition to the salaries paid out of the duty funds — — — — | 4,380 | 0 | 0 |
| For the civil establishment of New South Wales from 10 Oct. 1786 to the same day in 1787 — — | 2,877 | 0 | 0 |
| To the British Museum — — — — | 3,000 | 0 | 0 |
| To discharge Exchequer bills granted the last session — | 3,000,000 | 0 | 0 |
| To Thomas Cotton to discharge bills drawn by the Governors of the Bahama islands, St. John's, Nova Scotia, and New Brunswick — — — — — | 5,139 | 4 | 1¾ |
| To the same, out of the Civil List, for the commissioners' expences on going to America — — — | 2,111 | 0 | 6 |
| To James Mouat, chief clerk to the commissioners, for fees, &c. for salaries and expences — — | 890 | 0 | 0 |
| To Richard Bradley for goods bought by him, to pay the purchase of the island Le Main in the river Gambia, as a settlement for convicts, and fees, &c. — — | 457 | 10 | 6 |
| For roads and bridges in Scotland for 1787, by order of General Mackay — — — — | 7,234 | 0 | 0 |
| To David Jenkinson as a compensation for the three first payments towards the loan in 1784, forfeited to the Public throug his neglect in illness — — — — | 522 | 0 | 0 |
| For the forts, &c. in Africa — — — — | 13,000 | 0 | 0 |
| To Charles Pole, agent for Masahod de la Mar, for the ship Herstelder, Capt. Kemp Janssen Kleyn, bound from Amsterdam to Sallee and Mogador, in Dec. 1780, being seized and carried into Dover by the Sultana cutter, Lieut. Fabian, and detained till Feb. 1782, and then restored by the decree of the court of Admiralty, and for goods belonging to the Emperor, &c. — — — — | 2,307 | 9 | 4 |

For

| | £. | s. | d. |
|---|---|---|---|
| For buildings at Somerset House for the year 1787 — | 15,000 | 0 | 0 |
| To the American Loyalists for present relief — — | 112,000 | 0 | 0 |
| To the claimants of East Florida — — — | 13,600 | 0 | 0 |
| For repairs of Catwater Harbour — — — | 1,000 | 0 | 0 |
| To the Commissioners of public accounts — — | 15,000 | 0 | 0 |
| To the secretary of Commissioners for East Florida claims | 700 | 0 | 0 |
| To the secretary of Commissioners inquiring into claims of American Loyalists — — — — — | 4,445 | 19 | 11 |
| To the secretary of Commissioners of Crown lands — | 2,200 | 0 | 0 |
| To make good money issued on addresses by the House of Commons — — — — — — | 12,138 | 16 | 4½ |
| To J. Hatsell towards printing the Journals of this session, and *an index to the 41st vol.* — — — — | 1,000 | 0 | 0 |
| To Commissioners of public accounts — — | 7,500 | 0 | 0 |
| To G. White, clerk of Committees, for trouble and expences about the returns of the poor rates and charitable donations — — — — — | 3,000 | 0 | 0 |
| Total Supplies £. | 12,457,096 | 15 | 3⅝ |

| | | | |
|---|---|---|---|
| Besides which, by address, to be paid the expences of printing and delivering the Votes of this session — — | 0 | 0 | 0 |
| And also the expence attending the printing of bills, reports, and other papers appointed by order of the House of Commons this session — — — — | 0 | 0 | 0 |

In this session the Consolidated Fund was established instead of the Sinking Fund, which is thereby annihilated.

## PROVISIONS made for raising the SUPPLIES for the year 1787.

| | | £. | s. | d. |
|---|---|---|---|---|
| | By Land Tax at 4s. in the pound — - | 2,000,000 | 0 | 0 |
| | By Malt Duty continued till 24 June 1788 | 750,000 | 0 | 0 |
| May 8. | By Loans and Exchequer bills, 3 Act. — - | 5,500,000 | 0 | 0 |
| | Out of the Consolidated Fund — - | 2,400,000 | 0 | 0 |
| | Surplus of imprest money — | 74,102 | 9 | 10 |
| | Savings from the army in 1785 and 1786 | 44,806 | 2 | 7 |
| | Out of surplus in Exchequer for land forces in 1785 | 180,000 | 0 | 0 |
| | Surplus of the Sinking Fund remaining in the Exchequer 5 April 1787 — — | 1,226,072 | | 11½ |
| | By Lottery of 50,000 Tickets at 15l. 2s. 9d. each, 500,000l. in prizes, charged on the supplies for this year, to be paid at the Bank 1 Dec. 1788 | 756,875 | | |

| | £. | s. | d. |
|---|---|---|---|
| Total Provision | 12,931,855 | 15 | 4½ |
| Supplies - | 12,457,096 | 15 | 3⅝ |
| Excess - | 473,759 | 0 | 0 |

## NEW TAXES in 1787.

Additional duty on geneva imported
Ditto on licences to deal in spirituous liquors, and
A duty of excise on French glass imported,

An allusion having been made by Mr Francis, in his speech, to the following account, we have thought it necessary to add it for the information of our readers, from the Morning Herald of April 25, 1787.

The reporters of last Monday's debate in a certain assembly stated the following declaration, as made that day by Major Scott on the subject of the 7000 l. which he said he had expended in the service of Mr. Hastings, viz.

EXTRACT.

" He (the Major) said, that if the fortune of Mr. Hastings had been im-
" paired by bribes bestowed in this kingdom, the expenditure must have been
" through his hands, but he could declare, on the contrary, that the greatest
" bribe he had ever bestowed was upon the Editor of the Morning Herald, who
" had since repaid him with a continuance of abuse, though his sole offence had
" been, that he paid on that occasion the full amount of what had been demand-
" ed. He could also plead the merit of having expended, on the account of
" Mr Hastings, upwards of 7000 l in procuring intelligence, and forwarding
" dispatches to India "

The gentleman who was Editor of this paper at the period to which the above declaration alludes, thinks it incumbent upon him to refute so illiberal and groundless a charge.

What may have been Major Scott's transactions in the various printing offices of the metropolis, to which his active zeal for his employer has so repeatedly transported him, the writer of this article neither knows nor cares; nor will he dispute, but that the unfortunate Governor General of Bengal may find himself minus 7000 l. or that in a bustle of such complicated agency, Major Scott may accidentally have charged that sum for the secret service of the Morning Herald, which, upon recollection, will be found to have been more prudentially applied All the writer will contend is, that he never had the most remote correspondence, directly or indirectly, with Major Scott, or any of his connections, in the course of his life That, to the best of his recollection, he never beheld the person of the Major, till he saw him on Tuesday last upon his legs in the House of Commons, and consequently that the bribe alluded to must have been administered under the lulling influence of an opium contract, when the receiver s mind could not possibly be impressed with a due sense of the obligation

With respect to the abuse, as stated by the Major, it is an expression almost too vague for a reply If to have been represented in his true official character, as traducing agent to Mr. Hastings, or to have had the mortification of finding a small share of his own wide-spreading invectives recoil upon himself, by what he deems " an abusive return," the Major may possibly have experienced it. The Editor is free to confess, that he did once interfere with Major Scott's newspaper system, and that in a manner which may probably have provoked his resentment, viz in preventing the continuation of his oriental correspondence through the channel of the Morning Herald, as objectionable for its uninteresting prolixity, but more so on the score of its increasing personality!

The pecuniary transactions between Major Scott and the Morning Herald office, the following account current, extracted from the books, and attested upon oath, will fully explain. Involving a detail, which, but for the unexampled conduct of Major Scott, must always have remained confidential, it is painful to be compelled to lay such a statement before the Public, but for this, amidst various other insinuations, Major Scott alone must be responsible to his ill-fated employer.

AFFIDAVIT.

*Middlesex to wit.* Thomas Hurlstone, of the parish of St. Paul, Covent Garden, in the county of Middle[illegible] and Treasurer of the Morn-



ing

ing Herald office, voluntarily maketh oath and saith, that on or about the 17th of September 1782, Major Scott came to the said office, and said, he should have occasion to publish various letters, paragraphs, &c. in the said Morning Herald on East-India matters, in favour of Mr. Hastings, then Governor General of Bengal, or words to that purpose, for which he would pay the customary charges. That the account subjoined was accordingly opened with the said Major Scott, who from that period became a frequent visitor at the said office, to bring his different writings for publication. That the Morning Herald was for more than fifteen months open to the correspondence of the said Major Scott on Asiatic subjects. That the said Major Scott, during the course of these transactions, several times expressed his earnest desire to be introduced to the gentleman at that time Proprietor and Editor of the Morning Herald, and commissioned the deponent to make his (Major Scott's) compliments to him, requesting an interview with him, which the said Proprietor and Editor as repeatedly declined.

And this deponent farther saith, That he verily believes no other sum of money was ever paid by the said Major Scott to any person whatever, on account of the Morning Herald, than what is stated as taken, and will appear by the following authentic account, extracted from the books of the said Morning Herald office.

T. THURLSTONE

Sworn at the public office in Bow-street this 4th day of April 1787, before me,

Wm. KITCHENER.

## A C C O U N T.

**MAJOR SCOTT to the MORNING HERALD, Dr.**

| 1782. | | | | | |
|---|---|---|---|---|---|
| Sept. | 19. | Introductory letter, signed Juvenis | 2 | 2 | 0 |
| | 23. | Letter addressed to the right honourable Edmund Burke and General Richard Smith, signed Asiaticus | 1 | 11 | 6 |
| Oct. | 7. | Letter the first, signed Detector | 2 | 12 | 6 |
| | 9. | Detector's second letter | 2 | 2 | 0 |
| | 12. | Ditto third letter | 3 | 3 | 0 |
| | 15. | Letter signed Asiaticus | 1 | 1 | 0 |
| | | A puff for a publication of the Major's, entitled, a Review of the Transactions in Bengal | 0 | 7 | 0 |
| | 16. | Fourth Letter, signed Detector | 2 | 12 | 6 |
| | 18. | Fifth ditto ditto | 3 | 3 | 0 |
| | | Two paragraphs in favour of Mr. Hastings | 0 | 11 | 0 |
| | 2[illegible]. | Sixth letter, signed Detector | 3 | 3 | 0 |
| | | Paragraph, in answer to one inserted in an evening paper against Mr. Hastings | 0 | 9 | 0 |
| | 23. | Seventh letter, signed Detector | 4 | 9 | 0 |
| | 26. | Major Scott's speech in defence of Mr. Hastings at the East-India House | 5 | 10 | 6 |
| | 28. | Continuation of the above speech | 2 | 6 | 6 |
| | | Eighth letter, signed Detector | 4 | 4 | 0 |
| | 31. | Letter, addressed to the East-India Proprietors | 2 | 2 | 0 |
| | | An advertisement, signed John Scott | 0 | 5 | 0 |
| Nov. | 1. | Ninth letter, signed Detector | 3 | 10 | 0 |
| | 2. | Paragraph in defence of Mr. Hastings | 0 | 8 | 0 |
| | | Tenth letter, signed Detector | 3 | 11 | 6 |
| | [illegible] | Letter addressed to the Proprietors of East-India stock, signed an Independent Proprietor | 1 | 1 | 0 |
| | [illegible] | [illegible]enth letter, signed Detector | 4 | 14 | 6 |

Nov. 12.

| | | | | |
|---|---|---|---|---|
| Nov 12. | Paragraph, contradicting another inſerted in a morning paper | 0 | 5 | 6 |
| 13. | Letter ſigned Aſiaticus | 1 | 11 | 6 |
| 18. | Part of Detector's 12th letter | 1 | 11 | 6 |
| 20. | Twelfth letter concluded | 3 | 10 | 0 |
| 25. | Thirteenth letter, ſigned Detector | 2 | 17 | 6 |
| 29. | Paragraph | 0 | 6 | 0 |
| | Paid December | 64 | 1 | 6 |
| Dec. 20. | Queries to Mr. Fox, Mr. Burke, and General Smith, ſigned An Independent Proprietor | 1 | 11 | 6 |
| 25. | Governor Johnſton's ſpeech | 1 | 11 | 6 |
| 1783. | | | | |
| Jan. 6. | Juſtification of the Mahratta war | 0 | 13 | 0 |
| Feb. 10. | Letter addreſſed to General Smith, ſigned Jackall | 1 | 11 | 6 |
| | Advertiſement for a ſervant | 0 | 3 | 6 |
| 13. | Letter to the Proprietors of Eaſt-India ſtock, ſigned An Independent Proprietor | 2 | 2 | 0 |
| 17. | Puff for Major Scott, on his eagerneſs to give the Directors the earlieſt intelligence from India | 1 | 11 | 6 |
| 25. | Letter addreſſed to the honourable Edmund Burke, ſigned Aſiaticus | 1 | 11 | 6 |
| March 4. | Paragraph in favour of Mr. Haſtings | | | |
| 5 | Ditto | | | |
| 6. | Ditto | 2 | 2 | 0 |
| 7. | Ditto | | | |
| 10 | Letter to the right hon. Edmund Burke, ſigned Aſiaticus | 2 | 12 | 6 |
| 27. | Letter, ſigned An Old Correſpondent | 1 | 11 | 6 |
| 31. | Ditto, addreſſed to the Proprietors of Eaſt-India ſtock, ſigned An Independent Proprietor | 2 | 1 | 0 |
| | Paid by Major Scott, 30th April 1783 | 17 | 3 | 0 |
| April 7. | Notice of the publication of a pamphlet by Major Scott | 0 | 7 | 0 |
| | Paragraph in favour of Mr. Haſtings | 0 | 6 | 0 |
| 12. | Part of Governor Johnſton's ſpeech relative to Mr. Haſtings | 0 | 15 | 0 |
| 17. | Letter to General Smith, ſigned Aſiaticus | 1 | 11 | 6 |
| 22. | A defence of Mr. Haſtings' conduct | 1 | 11 | 6 |
| 24. | Article relative to the appointment of a Paymaſter in India | 0 | 12 | 0 |
| 25. | Againſt the Select Committee | 0 | 5 | 6 |
| April 25. | Paragraph aſſerting that Mr Haſtings had not exceeded the limitations of the regulating act | 0 | 5 | 6 |
| 25. | Do. endeavouring to ridicule Mr. Burke | 0 | 5 | 6 |
| 28. | Letter the firſt on India affairs, ſigned Detector | 2 | 12 | 6 |
| 29. | Paragraph in favour of an extenſion of power to be given to the Governor General | 0 | 9 | 6 |
| | Do. reprobating Mr. Burke's conduct relative to Mr. Haſtings | 0 | 8 | 6 |
| 30. | Do. an attack on Mr. Burke's veracity | 0 | 5 | 6 |
| 30. | Defence of Mr. Haſtings' borrowing eight hundred thouſand pounds of the gentlemen in and out of the Company's ſervice | 1 | 11 | 6 |
| | Paid by Major Scott Ma | 11 | 7 | 0 |

| | | | £. | s. | d. |
|---|---|---|---|---|---|
| May | 1. | India Affairs, letter 2d, signed Detector - - | 2 | 12 | 6 |
| | 5. | Paragraph charging Mr. Burke with inconsistency - | 0 | 9 | 0 |
| | | India Affairs, letter 3d, signed Detector - - | 2 | 12 | 6 |
| | 15. | Ditto, letter 4th, Ditto - - - - | 3 | 12 | 6 |
| | 21 | Relative to the Select Committee's conduct - - | 0 | 9 | 6 |
| | 29. | Against General Smith - - - - | 0 | 5 | 6 |
| | | Asserting that no attention was paid to the speeches of Mr. Burke - - - - - - | 0 | 5 | 6 |
| | | Letter to the right honourable E. Burke, signed No Delinquent - - - - - - | 1 | 1 | 0 |
| | 31. | That mischievous consequences might result from the vote of the House of Commons - - - | 1 | 11 | 6 |
| | | Paid by Major Scott, July 1783 £ | 12 | 19 | 6 |
| June | 9. | To the proprietors of East India stock, letter 15th, signed An Independent Proprietor - - - | 1 | 1 | 0 |
| | 10. | Stating, that under the authority of Parliament an inquiry would take place into the conduct of several gentlemen in opposition to Mr. Hastings in India - | 0 | 6 | 6 |
| | 16 | Two paragraphs in favour of Mr. Hastings - | 0 | 11 | 0 |
| July | | For advertising a pamphlet by Major Scott, entitled Two Letters to the right honourable E. Burke, 13 days in the front of the paper - - - - | 3 | 11 | 6 |
| | 27. | Letter addressed to Mr Debrett, bookseller, signed Detector | 2 | 2 | 0 |
| | 30 | Letter in praise of Major Scott's two letters to Mr. Burke, signed A Citizen - - - - | 1 | 1 | 0 |
| | 31. | Charging Mr. Burke with waste of the public treasure by Mr William Burke's appointment in India - | 0 | 12 | 6 |
| Aug. | 1. | Advertising a pamphlet - - - - - | 0 | 5 | 6 |
| | 2. | Letter, signed A Citizen - - - - - | 1 | 8 | 0 |
| | 5 | Ditto, signed Ditto - - - - - | 2 | 2 | 0 |
| | 8. | Ditto, praising the preface to Major Scott's pamphlet, addressed to Mr Burke, signed A Citizen - | 2 | 2 | 0 |
| | 11. | Defence of Mr Hastings' conduct towards the Munny Begums, signed A Citizen - - - | 2 | 8 | 0 |
| | 14 | Defence of Mr. Hastings for receiving ten lacks of rupees from the Vizier, signed A Citizen - - | 2 | 12 | 6 |
| | 21. | Remarks on the tenth Report, signed A Citizen - | 1 | 11 | 6 |
| Sept. | 6. | Advertising the Citizen's letters collected into a pamphlet, in the front of the paper, on the 9th and 11th - | 0 | 11 | 0 |
| | 11. | Letter blaming Mr. Debrett for not advertising Major Scott's pamphlet, with the ninth Report, signed A Citizen | 0 | 14 | 0 |
| | | Advertising the Citizen's letters in the front of the paper, on the 12th, 13th, 15th, 16th, 18th and 19th - | 1 | 13 | 0 |
| | | Paid by Major Scott, October 1783 £. | 24 | 13 | 0 |
| Oct. | 29. | Letter stating that no useful purpose had arisen from the parliamentary investigation into Mr. Hastings' conduct, signed An Independent Proprietor - - | 2 | 2 | 0 |
| Nov. | 3. | Ditto to the proprietors of East India stock, signed A Citizen and a young Proprietor - - - | 1 | 5 | 0 |

Nov. 4.

| | | £. | s. | d. |
|---|---|---|---|---|
| Nov. | 4. Ditto, signed an Independent Proprietor - - - | 1 | 5 | 0 |
| | 5. Paragraph contradicting a report that Mr. Hastings' friends meant to move for settling Lord Clive's jaghire on him | 0 | 8 | 0 |
| | 7. To the proprietors of East India stock, signed Detector | 2 | 2 | 0 |
| | 10. Speech of Mr. Sulivan, &c. at the India house in favour of Mr. Hastings - - - - | 1 | 11 | 6 |
| | 13. Two paragraphs stating the substance of speeches in favour of Mr. Hastings - - - - - | 0 | 16 | 0 |
| | 18. Letter signed a Citizen - - - - | 1 | 11 | 6 |
| | 20. Paragraph expressing that Mr. Hastings impatiently waited to reply to the charges made against him - - | 0 | 5 | 6 |
| | Paid by Major Scott, December £ | 11 | 6 | 6 |
| Dec. | 8. Article relative to Mr. Fox's India bill - - - | 0 | 16 | 0 |
| | 17. Letter to the right honourable E. Burke, signed Porus | 2 | 2 | 0 |
| | 18. Ditto to Mr. Burke, signed Porus - - - - - | 2 | 12 | 6 |
| | Paid by Major Scott, September 1784 £ | 5 | 10 | 6 |
| | Total £ | 144 | 18 | 6 |

Attested, T. HURLSTONE.

Most of the articles took up from one to four columns of the paper.

The accompt books and the volumes of the Morning Herald lay open for the inspection of any gentleman who may wish to satisfy himself of the truth of the above.

Having thus laid the whole circumstances of this singular case before the public, it only remains for the writer of this article to declare, that the words above cited, and given by the reporters as the words of Major Scott, contain *the grossest falsehood that ever was uttered for the purposes of* Deception!

The letters alluded to above, under the signature of Detector, Asiaticus, A Citizen, were the identical ones which Major Scott afterwards collected, and published in a volume which was printed for Mr. Debrett.

ABSTRACT

ABSTRACT of the OVERSEERS RETURNS, from the Report of the Committee of the House of Commons appointed to inspect and consider the Returns made by the Overseers of the Poor, relative to the State of the Poor; in pursuance of two Acts passed in the last Session of Parliament (23 May 1787).

| Names of the Counties in England. | Medium of nett Money annually paid for the Poor, for the Years 1783, 1784 and 1785. | | | Nett Expences for the Poor in 1776, taken from the Returns then made to Parliament. | | |
|---|---|---|---|---|---|---|
| | £. | s. | d. | £. | s. | d. |
| Bedford - - | 20,977 | 0 | 11 | 16,662 | 17 | 1 |
| Berks - - | 47,006 | 10 | 1 | 36,718 | 2 | 8 |
| Bucks - - | 45,340 | 0 | 3 | 31,745 | 16 | 0 |
| Cambridge - - | 26,175 | 12 | 10 | 18,079 | 10 | 10 |
| Chester - - | 39,292 | 0 | 11 | 29,644 | 13 | 2 |
| Cornwall - - | 28,531 | 19 | 9 | 22,004 | 11 | 10 |
| Cumberland - - | 11,687 | 13 | 4 | 8,029 | 19 | 2 |
| Derby - - | 22,924 | 15 | 3 | 17,441 | 1 | 8 |
| Devon - - | 80,681 | 11 | 5 | 62,481 | 2 | 6 |
| Dorset - - | 31,528 | 8 | 6 | 24,538 | 5 | 8 |
| Durham - - | 19,530 | 12 | 4 | 14,440 | 13 | 4 |
| Essex - - - | 94,569 | 14 | 6 | 74,067 | 3 | 5 |
| Glocester - - | 64,895 | 5 | 8 | 53,812 | 3 | 1 |
| Hereford - - | 16,727 | 18 | 2 | 10,393 | 7 | 2 |
| Hertford - - | 32,779 | 9 | 8 | 25,486 | 9 | 0 |
| Huntingdon - - | 12,162 | 14 | 5 | 7,659 | 3 | 11 |
| Kent - - - | 106,606 | 7 | 11 | 80,150 | 10 | 0 |
| Lancaster - - | 73,363 | 14 | 8 | 52,220 | 0 | 11 |
| Leicester - - | 30,805 | 5 | 0 | 24,339 | 16 | 4 |
| Lincoln - - | 43,024 | 2 | 6 | 31,930 | 8 | 7 |
| Middlesex - - | 94,012 | 17 | 7 | 80,226 | 18 | 0 |
| London - - | 52,657 | 11 | 6 | 49,067 | 0 | 2 |
| Westminster - | 48,856 | 2 | 1 | 44,969 | 3 | 1 |
| Monmouth - - | 8,108 | 1 | 3 | 5,575 | 1 | 7 |
| Norfolk - - | 94,670 | 17 | 5 | 64,296 | 13 | 10 |
| Northampton - | 46,079 | 8 | 7 | 35,232 | 15 | 8 |
| Northumberland - | 20,737 | 16 | 2 | 14,698 | 12 | 0 |
| Nottingham - - | 18,068 | 8 | 9 | 11,833 | 1 | 11 |
| Oxford - - | 36,109 | 3 | 5 | 28,750 | 4 | 9 |
| Rutland - - | 3,537 | 5 | 1 | 2,664 | 6 | 6 |
| Salop - - - | 33,937 | 2 | 3 | 22,316 | 10 | 1 |
| Somerset - - | 66,267 | 0 | 9 | 50,271 | 5 | 2 |
| Southampton - - | 58,956 | 9 | 3 | 43,928 | 8 | 2 |

Names

| Names of the Counties in England. | Medium of nett Money annually paid for the Poor, for the Years 1783, 1784 and 1785. | | | Nett Expences for the Poor in 1776, taken from the Returns then made to Parliament. | | |
|---|---|---|---|---|---|---|
| | £. | s. | d. | £. | s. | d. |
| Stafford - - | 40,963 | 13 | 7 | 32,088 | 17 | 1 |
| Suffolk - - | 69,407 | 8 | 1 | 56,804 | 0 | 5 |
| Surrey - - | 66,155 | 10 | 8 | 49,743 | 19 | 8 |
| Suffex - - | 72,877 | 10 | 10 | 54,734 | 8 | 7 |
| Warwick - - | 59,557 | 9 | 2 | 44,070 | 11 | 0 |
| Weftmoreland - | 5,616 | 12 | 3 | 2,834 | 8 | 0 |
| Wilts - - | 62,893 | 1 | 8 | 54,021 | 10 | 10 |
| Worcefter - - | 34,508 | 19 | 9 | 26 755 | 0 | 9 |
| York, Eaft Riding | 15,499 | 7 | 10 | 11,036 | 9 | 7 |
| North ditto - | 18,865 | 16 | 7 | 12,676 | 1 | 8 |
| Weft ditto - | 66,695 | 3 | 3 | 50,688 | 1 | 5 |
| | 1,941,649 | 15 | 10 | 1,496,129 | 6 | 3 |

| Names of the Counties in Wales. | £. | s. | d. | £. | s. | d. |
|---|---|---|---|---|---|---|
| Anglefey - - | 930 | 5 | 6 | 169 | 1 | 9 |
| Brecon - - | 4,237 | 10 | 2 | 2,407 | 15 | 2 |
| Cardigan - - | 2,248 | 1 | 4 | 1,084 | 18 | 1 |
| Carmarthen - - | 5,671 | 3 | 3 | 2,948 | 4 | 8 |
| Carnarvon - - | 1,579 | 6 | 1 | 471 | 17 | 8 |
| Denbigh - - | 9,762 | 0 | 0 | 5,364 | 14 | 8 |
| Flint - - | 7,076 | 5 | 5 | 4,043 | 12 | 0 |
| Glamorgan - - | 8,817 | 10 | 9 | 5,300 | 19 | 11 |
| Merioneth - - | 2,256 | 1 | 9 | 1,046 | 16 | 5 |
| Montgomery - | 8,970 | 17 | 2 | 5,508 | 15 | 7 |
| Pembroke - - | 5,150 | 15 | 1 | 3,049 | 8 | 3 |
| Radnor - - | 3,888 | 13 | 7 | 2,254 | 9 | 11 |
| | 60,588 | 10 | 1 | 33,650 | 13 | 10 |

It appears by the Report from the Committee appointed to infpect and confider the returns made by the overfeers of the poor to the Houfe of Commons, 1787, that the medium annual increafe of expences in nine years, commencing at Eafter 1776 and ending at Eafter 1785, amounts to 474,458l. 5s. 10d.

It appears that the medium of the whole amount of the money raifed by the Poor's rates for the years 1783, 1784, and 1785, amounts to 2,167,749l. 18s. 8d. from which

medium

medium deduct all the expences for county purpofes by ftat. 12 Geo. II. to be paid by the overfeers out of the Poor's rates. amounting to 119,280l. 6s. 10d. they have alfo deducted various other expences charged in the overfeers accounts, which do not concern the Poor, amounting to 44,231l. 0s. 11d.

The medium of the nett expences, after making fuch deductions, amounts to per annum 2,004,238l. 5s. 11d.

The Committee hope fome regulations may be made which may greatly leffen the county expences refpecting overfeers charges, amounting to 24,493l. 18s. 6d.; and in the charge refpecting entertainments, amounting to 11,713l. 0s. 9d.; and in that refpecting law bufinefs, amounting to 55,791l. 2s. 6d. per annum, on a medium of the faid three years.

An Account of WINES imported into England in the year 1786; diftinguifhing the quantities which have paid Cuftoms only, from thofe which paid Cuftoms and Excife.

| Species of Wines. | From 5 Jan 1786 to 5 July 1786. Quantity. | | | From 5 July 1786 to 5 Jan. 1787. Quantity. | | |
|---|---|---|---|---|---|---|
| | Tuns. | Hhd. | Gall. | Tuns. | Hhd. | Gall. |
| Wines, French - | 214 | 2 | 1 | 214 | 1 | 45 |
| Wines, Port - | 5,929 | 2 | 11 | 5,369 | 1 | 55 |
| Wines, Rhenifh - | 99 | 1 | 46 | 85 | 3 | 37 |
| Wines, Spanifh - | 1,863 | 1 | 43 | 1,138 | 3 | 3 |

THOMAS IRVING,
Infpector General.

*Infpector General's Office,*
*Cuftom Houfe, London,*
*February* 19, 1787.

The Infpector General cannot diftinguifh, with accurate precifion, the quantity of Wines which paid Excife and Cuftoms from the quantity which paid Cuftoms *only*; becaufe, in confequence of fome doubts which arofe as to the meaning of the word IMPORTED, a fmall portion of the wines which appear in the above account to have been imported after the 5th of July, may have been imported prior to that period.

THE

# THE HISTORY OF THE PROCEEDINGS AND DEBATES OF THE HOUSE of LORDS,

## In the FOURTH SESSION of the Sixteenth Parliament of GREAT BRITAIN,

### Appointed to be holden at WESTMINSTER On TUESDAY the 18th of MAY, 1784.

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*Tuesday, 23d January 1787.*

WHEN the King had proceeded in the usual state to the House of Peers, and ascended the Throne, Sir Francis Molyneux, the Gentleman Usher of the Black Rod, was sent to command the attendance of the House of Commons. On their arrival, with their Speaker at their head, the King addressed himself as follows to both Houses of Parliament:

*My Lords and Gentlemen,*

" I have particular satisfaction in acquainting you, that, " since I last met you in Parliament, the tranquillity of Eu- " rope has remained uninterrupted, and that all foreign " powers continue to express their friendly disposition to this " country.

" I have concluded a treaty of navigation and commerce " with the Most Christian King; a copy of which shall be " laid before you. I must recommend it to you to take such " measures as you shall judge proper for carrying it into ef- " fect; and I trust you will find that the provisions contain- " ed in it are calculated for the encouragement of industry, " and the extention of lawful commerce in both countries,

" and, by promoting a beneficial intercourse between Our " respective subjects, appear likely to give additional permanence to the blessings of peace. I shall keep the same salutary objects in view, in the commercial arrangements " which I am negociating with other powers.

" I have also given directions for laying before you a copy of a convention agreed upon between me and the Catholic King, for carrying into effect the sixth article of " the last treaty of peace.

" *Gentlemen of the House of Commons,*

" I have ordered the estimates for the present year to be " laid before you, and I have the fullest reliance on your " readiness to make due provision for the several branches of " the public service.

" The state of the revenue will, I am persuaded, continue to engage your constant attention, as being essentially " connected with the national credit, and the prosperity and " safety of my dominions.

" *My Lords and Gentlemen,*

" A plan has been formed, by my direction, for transporting a number of convicts, in order to remove the inconvenience which arose from the crouded state of the " jails in different parts of the kingdom; and you will, I " doubt not, take such farther measures as may be necessary " for this purpose.

" I trust you will be able, in this session, to carry into effect regulations for the ease of the merchants, and for simplifying the public accounts in the various branches of the " revenue; and I rely upon the uniform continuance of " your exertions in pursuit of such objects as may tend still " farther to improve the national resources, and to promote " and confirm the welfare and happiness of my people."

The Lords, either acceding to titles, or, newly created, were now sworn in, and admitted to their seats; and the Lord Chancellor having read the King's speech,

The Earl of Rochford.

The Earl of *Rochford*, rising, remarked, that whilst he presumed to trespass upon the time and patience of their Lordships, he was not in the least unconscious that if the business of the present day required support from powers of argument or strokes of eloquence, it would much more become him to preserve a modest silence, and leave the task of deep investigation and mature decision to those possessed of influence and abilities, which he must constantly despair of reaching. But the occasion carried with it a full apology for his intrusion; and certainly if ever a moment could arise to countenance his speaking, it was the present, when the grateful voice of an affectionate and loyal people became unanimously

nimously busied to express their exultation at the escape which His Majesty, protected by Providence, had made from the hand of assassination, and when all men must perceive with satisfaction and joy, that the valuable and dear life, thus providentially preserved, was still graciously employed for the welfare of these kingdoms. The objects to which His Majesty had turned his attention, and to which he called theirs, were important and necessary. That the prosperity of this commercial country might still farther be promoted, His Majesty had availed himself of peace with the Most Christian King, to secure and extend the happiness and glory of his dominions by a commercial treaty, of which he would only say at this time, that when its merit should be made a subject of investigation and discussion, it wou'd, he doubted not, meet with their Lordships' approbation and applause. The steps taken for carrying into execution the sixth article of the convention with Spain, were a part of the same liberal, just, peaceable, and salutary plan, which embraced the security and extention of commerce, so essential to the interests of a great and trading nation. And the measures pursued for clearing the jails of that excessive number of felons with which they were crowded, would shew, that no object connected with the safety and happiness of the nation escaped His Majesty's attention. With regard to the finances and revenues of the country, it was needless to observe how important the right management, improvement, and application of these were to the public good. But the object which, on the present occasion, naturally claimed a preference before all others, and in which all other considerations would for a moment be suspended and lost, was the calamity with which the nation had been threatened, but which had been happily averted. He alluded to His Majesty's escape from assassination; a matter which demanded, in the first place, their dutiful congratulations. The meeting, of Parliament, the very first day and hour of their meeting was the proper season for carrying such loyal and affectionate congratulations to the foot of the Throne. The death of that excellent and amiable Princess, His Majesty's aunt, the Princess Amelia, who was as fit a subject of condolence as the preservation of His Majesty's life was of congratulation. Both were proper and natural occasions for their Lordships to approach the throne, with those sentiments of loyal and grateful affection which pervaded the whole nation. Under the recollection of these circumstances, he could not avoid yielding to the impulse of his ardent wishes that their Lordships would permit him to move, "That an humble address be presented to His Majesty, that "we, his Majesty's most dutiful and loyal subjects, the

" Lords Spiritual and Temporal, in Parliament assembled, " beg leave to return His Majesty our humble thanks for " his most gracious speech from the Throne.

" That we entreat His Majesty to permit us to express to " His Majesty the eagerness with which we take the earliest " opportunity offered to us of joining the unanimous voice " of our fellow subjects, in congratulating His Majesty on " the late providential interposition of the Almighty in the " preservation of a life so valuable to his People. That " we acknowledge, with reverence and gratitude, the divine " goodness in averting the calamity with which we were " threatened: that we join in the general admiration of those " virtues which compose His Majesty's character; and hum- " bly beg leave to assure His Majesty, that we are happy in " testifying the share we take in the loyal and affectionate " attachment to his sacred person, which pervades the breasts " of His Majesty's subjects in every part of his dominions.

" That it is with the most sincere concern that we condole " with His Majesty upon the loss which he has sustained by " the unfortunate death of that illustrious and excellent " Princess, His Majesty's aunt, her Royal Highness the " Princess Amelia.

" That the present appearances of the preservation of the " public tranquillity, as well as the assurances given to His " Majesty by foreign powers of their friendly disposition to " this country, give us the greatest satisfaction.

" That we return His Majesty our hearty thanks for his " goodness in directing the treaty of navigation and com- " merce with the Most Christian King, and the convention " with His Catholic Majesty, to be laid before us; and that " we beg leave to assure His Majesty, that, in considering " measures of so important and interesting a nature, we " shall be happy to find in them a tendency to give an addi- " tional permanency to the blessings of peace, the encou- " ragement of industry, and the extension of lawful com- " merce between His Majesty's subjects and those of the " Most Christian King, and that we shall with pleasure con- " cur in any regulations calculated to insure those salutary " purposes.

" That we learn, with great satisfaction, that His Ma- " jesty has taken measures for the transportation of a num- " ber of convicts, and for removing the inconveniences " which arise from the crowded state of the jails; and that " we beg His Majesty will be assured, that we shall be ready " to concur in such farther provisions as may be found ne- " cessary for this purpose.

" That we shall, with the same readiness, co-operate in " whatever regulations may appear to be proper for the ease

" of

" of the merchants, and for the simplifying the public ac-
" counts in the various branches of the revenue; and that
" His Majesty may depend upon our best and steadiest exer-
" tions in pursuit of such measures as may tend still farther
" to improve the national resources, and to promote and
" confirm what has ever been the first object of the parental
" care and attention of His Majesty, the welfare and hap-
" piness of his people."

*Wednesday, 24th January.*

The Lords went up to St. James's with the following address:

The humble address of the right honourable the Lords Spiritual and Temporal, in Parliament assembled.

*Die Martis 23d Januarii 1787.*

*Most Gracious Sovereign,*

" WE, your Majesty's most dutiful and loyal subjects, " the Lords Spiritual and Temporal, in Parliament assembled, beg leave to return your Majesty our humble thanks " for your gracious speech from the throne.

" Permit us to express to your Majesty the eagerness with " which we take the earliest opportunity offered to us of " joining the unanimous voice of our fellow subjects, in " congratulating your Majesty on the late providential interposition of the Almighty in the preservation of a life " so valuable to your People. We acknowledge, with reverence and gratitude, the divine goodness in averting the " calamity with which we were threatened. We join in the " general admiration of those virtues which compose your " Majesty's character, and humbly beg leave to assure your " Majesty, that we are happy in testifying the share we take " in the loyal and affectionate attachment to your sacred person which pervades the breasts of your Majesty's subjects in every part of your dominions.

" It is with most sincere concern that we condole your " Majesty upon the loss which you have sustained by the " unfortunate death of that illustrious and excellent Princess your Majesty's aunt, her Royal Highness the Princess Amelia.

" The present appearances of the preservation of the public tranquillity, as well as the assurances given to your " Majesty by foreign powers of their friendly disposition " to this country, gives us the greatest satisfaction.

" We return your Majesty our hearty thanks for your " goodness in directing the treaty of navigation and commerce with the Most Christian King, and the convention " with His Catholic Majesty, to be laid before us; and we

" beg

" beg leave to assure your Majesty, that, in considering mea-
" sures of so important and interesting a nature, we shall
" be happy to find in them a tendency to give an additional
" permanency to the blessings of peace, the encouragement
" of industry, and the extension of lawful commerce be-
" tween your Majesty's subjects and those of the Most Chri-
" stian King, and that we shall with pleasure concur in any
" regulations calculated to insure those salutary purposes.

" We learn, with great satisfaction, that your Majesty
" has taken measures for the transportation of a number of
" convicts, and for removing the inconveniences which arise
" from the crowded state of the jails; and we beg your Ma-
" jesty will be assured that we shall be ready to concur in
" such farther provisions as may be found necessary for this
" purpose.

" We shall with the same readiness co-operate in what-
" ever regulations may appear to be proper for the ease of
" the merchants, and for the simplifying the public ac-
" counts, in the various branches of the revenue; and your
" Majesty may depend upon our best and steadiest exertions
" in pursuit of such measures as may tend still farther to im-
" prove the national resources, and to promote and con-
" firm what has ever been the first object of the parental
" care and attention of your Majesty, the welfare and hap-
" piness of your People."

His Majesty's most gracious answer.

" My Lords,

" Your expressions of affectionate attachment to my per-
" son and government, as well as your assurances of pro-
" ceeding to the consideration of the important objects
" which I have recommended to you, give me the greatest
" satisfaction."

The Lord Dacre.

The Lord *Dacre* observed, that he flattered himself that their Lordships would indulgently ascribe the presumption, if it deserved the appellation, with which he ventured to address them to his sincere and cordial loyalty to His Majesty's person and government. He was happy in having an opportunity of expressing, in that public manner, his duty to his Sovereign; and equally happy in the reflection, that he only re-echoed the sentiments of the people of Great Britain at large, when he rose to second the motion. He stood up on the present occasion, and said, with the greater confidence, that it could not be an occasion of doubt and debate. At a time when every sentiment was naturally absorbed in gratitude to Divine Providence and affection to His Majesty's person, it would ill become their Lordships to waste their hours in debates, which might wear an ungracious aspect, and be liable to interpretations equally dishonourable

nourable and erroneous. As to the merit of the commercial treaty, and the necessity and salutary tendency of the other matters touched on in the speech from the Throne, they would be discussed, and, he hoped, recognised on a future day. For his part, he professed his entire approbation and confidence in the wisdom and the activity of Administration, whose measures, he declared, he would be always ready to support, as long as they exerted their abilities with integrity and diligence, for the good of the Public. Whilst Ministers discovered, by their public actions, that they had the welfare of the whole nation most earnestly at heart, he should think himself unpardonable indeed, were he to hesitate in affording them every assistance within his power.

The address was then agreed to unanimously, and the House adjourned.

*Monday, 5th February.*

Viscount *Stormont* expressed his conviction, that as the subject on which he should beg leave to trouble their Lordships with some necessary remarks, related in a particular manner to their own privileges, he might rest assured of being honoured with their serious attention. He therefore fully trusted that he should not be considered to act contrary to order in the motion which he intended to make, that the patents creating the Duke of Queensbury and Lord Abercorn Peers of Great Britain, should be laid before the House. He hoped for the pardon of those Lords for not calling them agreeable to their new titles; and as an apology, he pleaded that he was not present when they took their seats, and he did not recollect what those titles were. The subject, he observed, was of the first importance both to that House and to the nation. The rights and privileges of their Lordships were involved in its consequences. The people's representation it would likewise affect materially; and therefore a subject of such essential magnitude required the most full attendance which could be obtained; and the most effectual means to have this attendance would be the regular mode always adopted on important occasions, which was to summon the House. He then moved for the House to resolve itself into a Committee to consider these patents; and that the Lords be summoned on Thursday se'enight. Viscount Stormont.

The *Lord Chancellor* answered, that he did not feel the most distant wish to oppose the motion of the noble Viscount. The Lord Chancellor.

The motion passed.

The Marquis of *Carmarthen* laid before the House, by direction of the King, a copy of the convention entered into between His Majesty and the King of France. The Marquis of Carmarthen.

He

He then moved, "for an account of all woollen goods "exported to France from the 5th of January 1714 to the "5th of January 1787, distinguishing the quantities and "qualities, be laid before the House.

"An account of all other goods of British manufacture "exported to France during the same period be laid before "the House.

"An account of all goods of foreign produce exported "from England to France during the same period be laid before the House."

Which was accordingly agreed to.

The Duke of Norfolk. The Duke of *Norfolk* observed, that a subject of such vast importance as the commercial treaty had not escaped his closest and most anxious attention. The titles of the papers now moved for by the noble Marquis had likewise fallen under his strictest consideration. But as they related to subjects, in which the national commerce was involved, he confessed himself greatly surprised that no paper or document relative to our trade and pending negociation with Portugal was mentioned. His surprise became the greater, when he recollected that Portugal was a country with which we had been so long connected by the most friendly alliance. He called therefore on His Majesty's Ministers to afford some information on the subject to their Lordships; and this he trusted would be given before the naming of a day for taking the treaty into consideration.

The Marquis of Carmarthen. The Marquis of *Carmarthen* answered, that every possible information would be given, and more papers would, in a few days, be submitted to the consideration of their Lordships.

The Duke of Norfolk. The Duke of *Norfolk* answered, that as he perceived this information, at the first commencement of bringing the treaty forwards, was given in a very partial and incomplete manner, he had an undoubted right to demand of His Majesty's Ministers if they intended to give any farther intelligence. The noble Lord promised he would; and therefore he hoped to find this request granted.

The Marquis of Carmarthen. The Marquis of *Carmarthen* replied, that should the papers he had to lay before their Lordships prove insufficient to give them that information which the subject required, and they wished to have, the noble Duke would then more properly exercise his judgement on the conduct of Ministers.

The House adjourned until Wednesday.

*Wednesday, 7th February.*

The Earl of Derby presented the following petition:

To the right honourable the Lords Spiritual and Temporal

in Parliament assembled, the humble petition of several persons, whose names are hereunto subscribed, the civil and military servants of the United Company of merchants of England trading to the East Indies, and other the British inhabitants of the Presidency of Fort William in Bengal, and of the inhabitants and places subordinate thereto;

Sheweth,

That your petitioners feeling themselves deeply affected and aggrieved by an act of Parliament passed in the 24th year of His Majesty's reign, entitled, "An act for the "better regulation and management of the affairs of the "East-India Company, and of the British possessions in In- "dia, and for establishing a Court of Judicature, for the "more speedy and effectual trial of persons accused of of- "fences committed in the East Indies," think it necessary to lay their grievances before this august assembly.

By this act, all persons who have engaged to serve the East-India Company in the East Indies, and who embarking in that service at an early period of their lives, have relinquished all other views and professions whatsoever, quitted their families and their friends in Britain, and exposed themselves to the injuries and dangers of an intemperate climate, from which but a small proportion survive to return to their native country, are rendered liable to be removed from their employments in India, and to be recalled to England at the pleasure of the Crown, without any charge being preferred against them, or any reason assigned for such removal or recal. It is needless to point out to the humanity of your Lordships the situation of those persons, who, at an advanced period of their lives, may be removed from the only employment of which they are capable, and recalled to England without a fortune to subsist on, or any possible means of acquiring a maintenance.

The same act restrains the United Company from compounding any debts, for which they may have obtained a judgement against their civil or military servants. This your petitioners cannot but consider as a grievance, since it establishes a harsh and unjust distinction between the Company's servants, and all other persons who may happen to be indebted to the said United Company, and excludes the former from that favour and mercy which all creditors but the East-India Company are at liberty to extend to an unfortunate debtor.

The same act lodges a power in the Governor General of seizing, and, with the sanction of his Council, of forcibly sending His Majesty's subjects residing under this Presidency to England, there to be tried for offences committed, or

 charged

charged to be committed by them within these provinces; than which nothing can be more dangerous to the security of their persons, more ruinous to their fortunes, nor can any thing be more perversive of the ends of justice than to hurry the party accused from the spot where the crime is alledged to have been committed, to a country six thousand leagues distant, and to which it is impossible to compel those witnesses to travel, who alone can be capable of proving or disproving the charge. If the person accused is guilty, his punishment is thereby delayed, and the sole object of public justice, the deterring other men from similar crimes by the force of example, in a great measure frustrated. But if he is innocent, no compensation is provided by this act; no reparation can be obtained for the severe punishment, which will have been already inflicted on him before his trial.

This act of Parliament, in direct contradiction to the benign principles of the laws of England, presumes criminality in a large body of His Majesty's subjects, against whom no charge has been brought, and who having never been called upon, never have had an opportunity to vindicate themselves from the imputations with which they have been slandered. This act erects a pale between the servants of the East-India Company in India, and all other the subjects of His Majesty, both at home and abroad, and founding a pretended necessity on their presumed delinquency, arbitrarily and cruelly compels them, under the most enormous penalties, to reveal to the public view the secrets of their private fortunes, for the avowed purpose of furnishing matter of accusation against them.

To the members of the august assembly, who are the hereditary guardians of the sacred constitution, and the ultimate Judges of the laws of Great Britain, it is needless to enumerate the various other hardships imposed on the servants of the East-India Company returning from hence to Great Britain, by the several regulations which enforce the discovery of their fortunes, or to trace the inroads thereby made on their natural rights as men, as well as on those which they claim as the peculiar privileges of Englishmen.

But your petitioners cannot forbear expressing their extreme surprise, as well as sorrow, at the institution of a tribunal of criminal jurisdiction, which in its mode of proceeding is bound by no established rules, and whose decisions are subject neither to revision nor appeal; a tribunal which is authorised to receive, as competent, such evidence as would be incompetent in every other court of civil or criminal jurisdiction; a tribunal which disfranchises a large and useful body of His Majesty's subjects, against whom no delinquency has been proved of their dearest and most inva-

luable birthright, a trial by their Peers. Your petitioners would indeed be delinquents against their country; they would truly deserve to be stamped with ignominy; they would be utterly unworthy to enjoy the blessings of that glorious constitution under which they were born, if they could submit, without remonstrance, to be degraded by a law, that not only invades and violates their dearest rights, and covers them indiscriminately with shame and disgrace, but also establishes a fatal precedent, which, by partially subverting the most revered institution of the laws of England, shakes the foundation of the constitution itself, and endangers the sacred liberties of their country.

Notwithstanding the contumelies which have been heaped on the servants of the East-India Company, they cannot but feel the firmest persuasion and confidence that the complaints of so large a portion of His Majesty's British-born subjects, who only claim that security and protection for their persons and fortunes which is enjoyed in common by the rest of their countrymen, will not be treated with neglect or disregard; nor can they abandon the flattering hope, that the benignity of the Legislature of Great Britain, upon a reconsideration of their case, will relax the rigour of an act that has filled them with the justest alarm, and restore them to those important rights of which they have so lately been deprived, and which, till the passing of the said act, have been considered as the unalienable birthright of Englishmen.

In a firm reliance upon the humanity, equity, and sound policy, of the British Legislature, your petitioners humbly presume to offer their most earnest prayers, that your Lordships will graciously be pleased to take their case into mature consideration, and, conjointly with the other branches of the legislative body of the nation, grant them the relief they pray for, by a repeal of all such parts of the said act of Parliament as affect their persons, their fortunes, or their liberties,

And your petitioners shall ever pray.

The title was read, and it was ordered to lie on the table.

*Thursday, 8th February.*

The Duke of *Norfolk* remarked, that he must take the liberty of troubling any one of the Lords in administration to know whether the papers then on the table were all intended to be produced respecting the trade with Portugal, as in his opinion they did not amount to what he expected. There was a period antecedent to the year 1784, the imports and exports of which it would become necessary for the House to possess The Duke of Norfolk.

sess before the day on which the principal parts of the treaty were to fall under the investigation of their lordships.

Marquis of Carmarthen. The Marquis of *Carmarthen* answered that he feared it would prove extremely difficult to furnish, at least with tolerable accuracy, the papers in question. The Custom House, no doubt, could supply accounts, but then they would not answer the noble Duke's purpose, being in general very inaccurate. He assured his Grace, that whatever papers he could procure to give satisfaction, should be produced, but he doubted whether they would prove so truly correct as those now upon the table.

Viscount Stormont. Viscount *Stormont* declared, that Ministers had not dealt candidly on a business of such magnitude. Papers were promised by the noble Marquis in office which should make the House perfectly acquainted with the subject, but in his opinion, they gave very little light. The trade with Portugal was an object of the first consequence to this kingdom, and its preservation a matter of no small consideration in the discussion of the treaty with France. The balance in our favour during the last fourscore years, amounted to a sum of not less than forty millions of money, and he must indeed be an unwise and impolitic Minister who did not see that advantage in its true point of view. To place this, or rather to arrange it in its place, it would be requisite, that the request of the noble Duke should be complied with. The account of the exports and imports to and from this country, and Ireland, with Portugal, during the last ten years, ought to be produced but in particular the imports and exports for the year 1784, in order to strike a proper balance. The papers on the table went no farther back than 1785, a period he supposed which answered best the purposes of the arguments which were to be adduced in favour of the treaty with France—He trusted, therefore, that Ministers would, without a specific motion for that purpose, bring down the accounts of 1784. They were in their possession annexed to the sheet of the account of 1785. Why they were separated, and the preceding year suppressed, His Majesty's confidential servants could best answer. He begged the noble Marquis in office to understand, that he was not in possession of those documents necessary to enable him to move the question, particularly at this day; although it might be done in general terms; but if there was no promise made of giving the account to the House, he should trouble their Lordships with a motion. The Methuen treaty appeared, by the present treaty, to be broken through, and it was an evident fact, if it was infringed in any one part by us, Portugal had a right to absolve themselves from the whole. As a report had gone abroad that we might at any time dissolve the treaty with Portugal, and then re-establish it again, he deemed it necessary to mention these particulars.

Lord

Lord *Hawkesbury* observed, that the accounts looked for by the noble Vicount were not accurate, and added, that he knew of himself how very incorrect the Custom-house books were on this subject. He denied that there was any intention of doing an injury to Portugal by the treaty of commerce with France, and said that Ministers had no intention whatsoever of withholding the necessary papers. L. Hawkesbury.

Viscount *Stormont* observed, that since there was an evasion of compliance with his request, he should make a regular motion. He accordingly moved "that the papers in question "be laid before the House. Viscount Stormont

The Marquis of *Carmarthen* now observing that if he could find the paper which was annexed to the account of the exports of 1785, he would produce it, Marquis of Carmarthen

Viscount *Stormont* desired permission to withdraw his motion, which was granted. Viscount Stormont

The Duke of *Norfolk* then rose, and moved, "That "an account of all coals exported from Great Britain to "Holland, France and Germany, within the last fifteen years, "should be laid before the House." Duke of Norfolk

The motion passed.

Lord *Sydney* moved, that the lottery bill be read a second time. L. Sydney

The Earl of *Derby* contended that its introduction was extraordinary, and its principle new and alarming. It seemed to him, to have for its great object, the rise of lottery tickets, to benefit jobbers,—and to become a licence to great gamblers, under the idea of destroying those of inferior note. He was surprized how Ministers could so incautiously be led into this error, not to give it a worse appellation. If gambling in the lottery was illegal among the lower class, it surely was illegal among the higher order of people; and therefore should be totally, and not partially suppressed The argument, that this bill was for the benefit of the public, was absurd, as it raised the price of lottery tickets, it was a very bad one indeed, for as all the tickets were disposed of by the original subscribers, there certainly could no profit arise to them by enhancing the value at this time. It was also very clear that the lower class of people would not be deterred by this bill, from gambling, because it was an easy matter to divide tickets into small shares among clubs, each to bear his proportion, and so ensure the whole. Had the public benefit, or the interest of the lower class been the object, another kind of bill, different from that on the table, would have been framed. Earl of Derby

Lord *Sydney* replied, that merely in his official capacity had he moved the second reading of the bill. He was acquainted with no gamblers; he thanked his God, that he never associated with that description of men, let their rank or situation L. Sydney

in

in life be ever so high. The company he kept was of a different complection. As to the bill before the House, it was, in his opinion, founded on a good principle—a principle which went to the suppression of that most destructive and pernicious vice which had ruined not only a number of the lower class, but those of high and elevated rank in society.

Earl of Derby

The Earl of *Derby* said that his question being as yet unanswered, he must intreat His Majesty's Ministers to give some plausible colour of pretence for bringing in the bill—at present it stood without one saving argument for its support. Detrimental it certainly was; for even already, under its visionary influence, had the spirit of gambling gone forth, and tickets (if report spoke truth) were risen to near nineteen pounds.

Earl of Hopetoun

The Earl of *Hopetoun* contended, that the bill was not indefensible, and that even if it should be prov d that it did countenance gambling, this spirit stood confined by it within the higher classes of life, because only the possessors of whole tickets could insure; and therefore, at the worst, a real property was all that was suffered to be insured.

Viscount Stormont

Viscount *Stormont* congratulated the noble Lord (Sydney) upon the virtuous circle of his acquaintance, which however agreeable to that noble Lord, must be very confined indeed, if every man was excluded from it who made a bet above ten pounds. It was a narrowed limit in high life, because it exempted the noble Lord from the society of some of the first, and most of the greatest, characters in Europe. Viscount Stormont now added that the whole lottery bill in its present form, reminded him of the story of the man who made two holes in his door; one for the great, and the other for the little cat,—which was exactly the case in respect to this intended act, for the lesser insurer would, no doubt, creep out of the hole that was left open for the great cat. The evil tendency of the bill, in fact, was neither more nor less than a licence to gamblers. He informed their Lordships, that he had often, in those foreign countries which he visited, been witness to sad and dismal effects of lotteries on the lower class of people. They encouraged vice in its worst shape, and drove distress to despair, and too frequently to suicide.

The Lord Chancellor

The *Lord Chancellor* left the woolsack, and declared, that as far as he had been able to attend to the bill, he thought it aimed (at a good purpose) to stop the spirit of gambling among the lower class; but whether the clause which allowed insurance would (as had been stated) open a door for insuring shares, he could not tell, however, it was evident, the Legislature meant no such thing, for, the name of the insurer, the insured, the number of the ticket, the lottery to which it belonged, and the premium of insurance, were all to be expressed

ed on the policy; and besides, the persons who were to have the liberty of making such insurances, were to be licensed, and give bond not to transgress; however, as the question before their Lordships was, whether the bill should be read a second time, he saw no reason for opposing that, as any objection to the bill might be mentioned in the Committee.

Earl of Carlisle

The Earl of *Carlisle* remarked, that the bill was calculated to serve the present possessors of tickets. He thanked the noble lord (Sydney) for the hint he had thrown out respecting the circle of his acquaintance, and the abhorrence in which he held all kind of gamblers. He felt the rebuke, for he had been unfortunate enough to have had some acquaintance among men who betted more than ten pounds. He bowed to the severity of the remark, and kissed the rod; but he begged leave to remind the noble Lord that his situation at this critical moment, as a Minister, placed him in that of a gambler, playing for high stakes indeed, sums which perhaps a nation must pay, and broad as the noble Lord's shoulders were, he should take care that the load did not bring him down

The bill was then read a second time and committed, after which the House adjourned.

## *Friday, 9th February.*

The House resolved itself into a Committee on the bill for the amendment of the lottery.

The various clauses were read, and approved, till the question on the one establishing the insurance of whole tickets was stated.

Viscount Stormont

Viscount *Stormont* remarked, that no circumstance could, comparatively prove more detrimental than the effects of gambling in every shape; and surely measures which tended to promote its spirit should, in whatever shape it came under discussion, meet with their Lordships' opposition.—The bill under consideration was in its avowed intention, and so far as their Lordships had approved of its clause, framed for that purpose. After establishing various regulations of a salutary nature, it seemed all at once to deviate from its primary object, and by a very strange proposition to set aside all the good which might have been expected from it: for, he could not consider the clause under their Lordships' discussion in no other light than as one which would, instead of suppressing, give countenance and vigour to that spirit of gambling which was the bane of society, and which he was persuaded every considerate man at least would reprobate—It had been alledged that insurance in some instances, and particularly in trade, was beneficial, as it proved a security to the merchant and

and the lesser dealer, and enabled him to support himself with vigour, under the severer blows of fortune. This he readily admitted; but was this species of insurance, which had been found salutary by experience, which had been established on fixed principles, in any respect to be compared with a scheme, which was so undefined in its nature, and which even in theory, seemed fraught with so many evils? Insurance in commerce tended to promote industry, and to secure its fruits. But, insurance in a lottery, whilst it held out an encouragement to such speculation, was fitted to produce no such effect on society.—Nor was the argument in favour of the plan of insurance arising from the consideration, that it would prove an incentive to subscribers in future to come forward, at all to be admitted on the present occasion. The fact was, that Government had never been at a loss to fill the subscriptions. The case had been uniformly the reverse. In other countries, and more particularly in France, where he had resided in an ambassadorial capacity, the plan of the lottery was by much less inviting than in this kingdom. It exhibited an immense possible advantage, but the chances of obtaining it, were almost as one to infinity. Still, however, there never had been any want of subscribers, and the profits arising from it, though no insurance was admitted, had been uniform and great. This, therefore, evidently shewed that insurance was no necessary spur to lottery enterprize. It had been, in fact, proscribed by the statutes of this country, and he was suspicious that it was not from the purest motives the present attempt was made to revive it. He, therefore, moved, "That the "clause do not stand part of the bill."

Lord Chancellor. The *Lord Chancellor* contended, that the plain state of the question was perfectly reconcileable to the primary notions of justice. It was, simply, whether a person, who had embarked part of his fortune or property in a particular contingence, was to be admitted to the liberty of insuring it, if he so chose, against the hazards arising from such a situation. This was the real case, nor could he conceive that a toleration, or a legal authority should be given to one set of individuals, in certain instances of contingency, and refused to them in similar ones. The noble Vicount had alledged, that in other countries, insurance was prohibited, and that in this kingdom it was contrary to law. He did not really know what was the legislation of France on this point, as he was no French lawyer. But he imagined, that if insurance in that country was not prohibited by statute, it would be as legal there in the instance of lotteries, as in any other. With respect to the code of laws of this kingdom, with which he owned that he had some acquaintance, the prevention of insurance by statute, was rather a new than an old act of the Legislature.

ture. He went into the history of lotteries. They had obtained as far back as the time of Elizabeth. In the reign of William and Mary, they had been voted nuisances. In Queen Anne's reign, they had been revived. They had been used as instruments of state necessity, till the present period. In the 22d of the King, the transaction of insurance had been declared illegal: but previous to that period, he should very much doubt, whether in a process of recovery of insurance on a lottery ticket, the person suing would not have obtained, under law, legal redress.

Lord *Loughborough* reprobated the clause, as beyond measure detrimental. No care had been taken to guard against the spirit of gambling in its most alarming extent. The noble Lord (Thurlow) had endeavoured to put a very plausible appearance upon the measure, by affecting a simple statement of the question but he hoped their Lordships would not be misled by so unfair and so unqualified a definition of that measure, which ought to be an object of their most minute attention. The noble Lord had asserted, that it was a mere insurance of a species of property against a particular contingency. and as property was authorized by law to be insured in mercantile affairs, and such other circumstances, why ought it not to be legal in others?—If one person, sending his property to the West Indies, was empowered to insure it against sea risk, why ought not another to have the same legal privilege, when embarking it in the lottery, which was an object established for the direct purpose of state advantage.—But he would put the question, and appeal it also to the learned Lord (Thurlow) whether the two instances were parallel? In the case of insurance of merchandise, every precaution was taken by the law that the insurer should be paid in exact proportion to the loss he had sustained For this purpose, he was obliged, if required, to make affidavit with respect to it, or at least to exhibit proper proof of the damage he had incurred. But was there any provision made in the clause under consideration for that purport? By no means. On the contrary, gambling was to be legalized in its utmost extent. Every person holding a ticket might open a policy upon it, and after insuring it in one office, might insure it in another, and, in fact, derive all the advantages which accrue from a multiplied insurance. The one, however, was totally different with respect to mercantile insurance, for no person in such transactions could derive any advantage whatever, except such as arise from real loss. To illustrate this idea, he would suppose that A possesses the ticket No. 100. A wishes to insure it, and to make all he can of it. B enters into a bargain with him, and the policy is formally concluded. But A is not merely satisfied with this transaction. He wishes to derive an accumulated advantage. He, there-

Ld Loughborough.

therefore, goes to all the lottery offices in London, and insures it over and over again. Was there any thing to prevent him to do this? In the event of a blank coming up, was there any thing to preclude him from deriving all these advantages, which must arise from his various and multiplied insurance? There was nothing: and supposing even that he was not possessed of the real property of the ticket, what was to prevent his borrowing one? The lottery office itself would lend him a ticket.—A person at the door of the office, for a small premium, would afford him a temporary exhibition of one, which would be all that would prove necessary; and he did not even doubt, but that one lottery office would be so friendly towards another, as even to lend tickets to persons who wished to make insurance at that repository with which it maintained so friendly a communication.—There was, in fact, in the clause, no provision against this extravagant spirit of play, and if it were not suppressed, tickets would be transferred with the same facility as a dice box. The circumstance struck terror every where, and led even those who were not too much inclined to superstition, to form strange conjectures relative to its origin. Reports of a curious nature had obtained on this subject. In the course of discharging his duty he had come to the knowledge of this circumstance. As he had been coming down from the bench yesterday in Guildhall, where it was his office to do justice, two persons of grave appearance and decent habit and deportment, had come up and addressed him on the subject of the Lottery bill now pending in parliament.—They stated, that it had originated in the manœuvres of certain holders of tickets, who, finding a stagnation in the market, had desired the measure, and prevailed so far as to have it introduced into parliament.—He had asked on what grounds they founded their opinion, they had stated the following, viz. That the tickets had remained for a considerable time at the same price, but that since the matter had been agitated in parliament, they had risen nearly thirty shillings. He had this day been curious to investigate the point, and previous to his coming down to the House he had sent out for a news-paper, for the purpose of knowing the price of tickets, and the one which had been sent him had convinced him of the fact.

Lord Chancellor. The *Lord Chancellor* answered that he did not mean to contend for the clause in its present form, but he was of opinion that it was proper and necessary, if it was qualified so as to prevent improper gambling or wagering—With that view he proposed an amendment to the following purport: "That "every ticket insured shall be deposited in some place, to be appointed by the Commissioners of the lottery for that purpose, "which ticket, with its insurance, shall be assignable."

The Duke of Norfolk opposed the clause.

The

The Earl of Carlisle wished to postpone the regulation of insurance contained in the clause of the bill. The ideas of the House were crude with regard to it, and his Lordship was firmly convinced that there was nothing to urge immediate procedure in the business.

The Committee divided on the motion of amendment,

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The House were then resumed, and afterwards adjourned.

*Saturday, 10th February.*

The House met on purpose to agree to the bill, for the better regulating of lottery-office keepers, some farther amendments were made, which were afterwards reported, and the bill ordered for a third reading on Monday next.

The House adjourned.

*Tuesday, 13th February.*

Lord Scarsdale took his seat as chairman of the Committee of Privileges, and having read the order of the day for the Committee to sit, and the Lords to be summoned,

Vicount *Stormont* began by saying, That he had presumed to bring before the Committee a business, which, as matter of privilege, was entitled to serious and early attention, and which appeared to him of considerable importance. He thought it a great public question, and should argue it upon large public ground The constitution of parliament now required, that the representation of the Scotch Peerage should be complete. Is it so? That is the question for the consideration of the Committee. The motion is purposely calculated to put that point fairly at issue. Had the question any thing of legal nicety, he should be ill qualified to treat it; but it appeared to him that it lay in a narrow compass, and was to be decided upon a few plain, obvious principles, which he would endeavour to state. Viscount Stormont

It must be admitted, that the right of representation was given to the Scotch Peers for the loss of an hereditary seat in parliament. They who no longer suffer the loss, can no longer be entitled to their share of the compensation. It would be absurd to argue what is so plain; it is sufficient barely to state it.

By the treaty of union, sixteen peers are to be chosen by those whom they represent, out of their own number. Is it not clear, from this stipulation, that they who chuse must be in a situation to be represented; and those who are chosen, in a condition to be representatives?

All

All elective representation in government, wheresoever it obtains, proceeds upon this uniform, invariable principle. There is an inconvenience, real or supposed, in your sharing in the government individually; therefore you shall share in it virtually by representation. The one being in lieu of the other, they cannot be co-existent. You cannot represent yourself. You cannot appear in person, and be represented by your proxy. The moment you are admitted to a personal share in the government, your right to share in it virtually, by representation, must cease and determine. He then applied these general principles to the particular case. The peers of Scotland, at the union, were thought too numerous to be admitted to hereditary seats of parliament; therefore they were to be represented by sixteen of their number. Whether the mode was wise, whether the proportion was fair and adequate, it is needless now to inquire. Our ancestors, said he, came *hæc in fœdera*, and by their agreement we are indisputably bound. But he was sure their Lordships were bound by inclination, still more than by the ties of duty, to see that agreement fairly and honourably fulfilled. Would it be so, would it be conformable to the true sense and meaning of the treaty; would it be consonant to the principles of representation, to include, in the number of Scotch representatives, hereditary peers, who have no interest in that representation, and to whose condition elective representation cannot appertain?

An hereditary seat, and a temporary seat by election, are not only different, but incompatible, for this obvious reason —the hereditary seat takes away the whole effect of the relation that should subsist between the representative and those who chuse him. This connection is stronger in some governments, in some countries, than in others; but it obtains universally in all, and is of the very essence of representation. In some countries, as in Poland, for instance, members are bound by the instructions of their constituents. It has been maintained, that this is the case in our constitution. Viscount Stormont said, he was not of that opinion; but suppose, for a moment, that to be the case, what would be the condition of an hereditary peer who was also a representative? Clashing duties might arise.—His own judgement marks out to him one line of conduct, the orders of the electors another: Which is he to follow? But not to insist upon an idea of the constitution strongly maintained by others, but differing from his own opinion, he said, that in this country representatives were certainly so far responsible to their constituents in their conduct, that upon the opinion entertained of that conduct, their fate at a future election was decided, and the trust reposed in them continued or withdrawn.

He

He obſerved, that the ſame prerogative that had raiſed two of the ſixteen to an hereditary ſeat, might, in poſſibility at leaſt, extend the ſame favour to the whole number. What then would become of the Scotch repreſentation? This way of putting it makes the abſurdity more glaring; but there is no real difference between the one caſe and the other; the violation of the principle of repreſentation is the ſame in both. He then proceeded to ſhew, that the ceſſation of right his motion contended for, follows by clear and neceſſary conſequence, from the incapacity eſtabliſhed by a reſolution of the Houſe in 1709, in the caſe of the Duke of Dover's vote. It was then reſolved, "That a peer of Scotland, claiming to "ſit in the Houſe of Peers by virtue of a patent paſſed un-"der the great ſeal of Great Britain, and who now ſits in the "parliament of Great Britain, has no right to vote in the "election of the ſixteen peers."

The two noble Lords in queſtion confeſſedly ſtood in that ſituation to which the reſolution applies; and he who has not a right to vote *a fortiori*, cannot be elected.

The determination was as ſolemn, as deliberate a one as any that ſtands on the records of parliament. It rejected the vote of a perſon intimately connected with the lord treaſurer (Godolphin). I barely mention this circumſtance, ſaid he, without laying any ſtreſs upon it.

The reſolution paſſed at a time when all that related to the union was freſh in every man's memory, and the true meaning and intention of that great treaty were generally known. It paſſed in the preſence of many of thoſe who had been commiſſioners on both ſides, actors in that great ſcene, and the journals ſhew that there was not a ſingle proteſt. It has been conſtantly acted under, has ſtood unqueſtioned, unſhaken, for near fourſcore years. Such a precedent has all the wight and authority that can belong to any precedent whatever; and powerful indeed, ſaid he, is the weight and authority of ſuch precedents upon the mind of every conſiderate man, who knows the miſchief of fluctuation, and the numberleſs benefits which ariſe from certainty of law, and ſtability and uniformity of deciſion.

He then obſerved, that although he argued from this reſolution, though it afforded a very ſtrong, and, he thought. irreſiſtible argument in ſupport of the motion, yet the motion itſelf went to the ſingle point of repreſentation. The preſent queſtion is ſimply this, whether the two noble Lords, by the change in their ſituation, do or do not ceaſe to be our repreſentatives? As in the act of union, and in the ſubſequent act of the 6th of Queen Anne, there are no expreſs words that go directly to the point, it muſt be a queſtion of conſtruction upon the real intent and meaning of that part of the

treaty,

treaty, to be decided by the rules of fair interpretation, and by the general nature and principles of representation, applied to the particular case.

By an article in the treaty of union, the peers of the two countries, now made one, are to be comprehended under one general name. Had it conferred equality of right, all line of distinction would have been done away. But British peerage now consists of two distinct orders of men, having different rights, and standing in very different situations indeed. The one retains all the privileges of peerage, sits in parliament, whose authority now extends over the whole united kingdom. The other has the inferior rights of the peerage throughout the whole kingdom, but is abridged of the most valuable right of all—an hereditary seat in parliament. They are therefore, in fact, two distinct orders of men, though called by the same name; the one having individually a share in the legislature, the other only a virtual share by representation. No line of distinction can be more strongly drawn.

The question then, fairly stated, is this, What, according to the true meaning and intention of the union, is to be the condition of him, who passes from the one order to the other, from the representative to the hereditary class? Why, clearly this—he acquires all the rights of an hereditary seat, and the rights of representation cease, as appertaining exclusively to that condition in which he no longer remains. The Committee well know, that the right of representation is so far from being inherent in peers, as such, that it was strenuously contended at the union, that it was inconsistent with and repugnant to the nature of peerage. It certainly is a right incidental to the change of situation made by the treaty of union.—From the situation in which that treaty placed them, the two noble Lords have emerged by the favour of the Crown, and are raised to those rights, to that condition in the parliament of Great Britain, which, in the parliament of Scotland, every Scotch peer enjoyed.

When we chose them, added he, they were in the same situation with ourselves; they were fellow sufferers. Being no longer in that situation, they can no longer be entitled to a share of that compensation, which was great to the aggregate body, for the loss it sustained. They now sit here in their own right; they cannot therefore sit in ours. They cannot be temporary representatives in a place where they have an indefeasible right to appear for themselves. We are proud of every connection with them, but what is incompatible with their condition and ours. We hope these two noble Lords, and all those who were formerly of our number, retain their former zeal for the maintenance of our

rights.

rights. We hope they who have reached the shore will not be indifferent to the condition of those whom they have left behind.

He then stated particularly, the case of James Duke of Athol, upon whom an English honour devolved in 1736, and who continued to sit in parliament as Duke of Athol and Baron Strange. He observed, that there never had been any decision, any question, any even the smallest discussion upon the subject. The whole had passed *sub silentio*. Why it did so, is, perhaps, at this distant period, rather to be conjectured than known. It probably was thought a thing of little consequence, as there was very little chance that a similar case, that of an old English honour devolving upon a Scotch peer, should happen again. The case now in question could not happen under the then circumstances. The Scotch peerage were then smarting under the wound, which the rash and violent hand of party gave in the case of the Duke of Brandon in 1711. In that situation of things, the peerage of Scotland might think it a point of little moment; but the case is very different now—the Scotch peers are restored to their rights—the right of prerogative is restored. The royal favour may now flow in that channel, as freely as in any other. It was for many years totally obstructed by that resolution, on which, said he, I mean not to dwell; I could wish it buried in everlasting oblivion, were it not that that oblivion would extinguish the praise and honour due to those by whom the effect of that resolution was done away. I am persuaded (continued he) that the same firmness and liberality of sentiment which governed upon that occasion, will govern now. I apply myself with equal confidence to every side of the House, persuaded that the justice of the cause will plead with equal force in the breasts of all.

I have purposely waved, said he, all considerations of policy, as the cause stands in need of no such collateral aid. But thus much I may say, the best, the wisest and most dignified policy will chuse to do that which is attended with no possible inconvenience, farther than hurt the rights and wound the feelings of a considerable and respectable body of men, and if there were any shadow of doubt in this business, which, he protested, after the fullest consideration, he could not perceive; yet surely, even in that case, the purest and most upright mind might incline towards that decision which is favourable to the interests of many, prejudicial to the real interests of none. The principles laid down in the preamble to the famous peerage bill was, that the proportion established at the union was become unequal by the number of peers created since that period. This principle would lead to an increase of our number: We have no such right: We make

no ſuch claim. All we demand is, complete repreſentation, ſuch as the union gave us—ſuch as the preſent conſtitution of parliament abſolutely requires. It cannot be complete, if thoſe are to be included in our number who have no longer any intereſt in the repreſentation, and to whoſe preſent condition, I again and again repeat, elective repreſentation, from the nature of it, cannot poſſibly apply.

He concluded with ſaying, that he was perſuaded their Lordſhips would upon all occaſions, be diſpoſed to interpret every article of the treaty of union in the faireſt and moſt liberal manner; that fairneſs and liberality, which apply particularly to the interpretation of ſuch a convention as the union neceſſarily was. From the very nature of it, one of the contracting parties muſt, for the ſubſequent performance of the engagement, rely upon the honour and good faith of the other contracting party. This conſideration will have more weight with the Houſe than any ſtipulation that could be inſerted in a convention between two nations who remained independent, and in a condition to ſupport their reſpective rights, and whoſe mutual intereſts had led them to the concluſion of a treaty ſo advantageous to both.

This fairneſs and liberality of interpretation, which belongs to the whole treaty, can apply more properly to no part of it than to that which reſpects the peerage of Scotland. The change the union made in their condition is known to you all. I hope, ſaid he, you will keep in conſtant remembrance this day, that, before an event ſo beneficial to both countries could take place, the peers of Scotland had great difficulties to conquer, to the attainment of that deſirable end;—they made as large a ſacrifice as ever was made by men. Had they retained their hereditary ſeat in parliament, at the expence of half their property, they had made a happy and noble exchange. No man can deſerve an hereditary ſeat in the great Council of a free nation, who does not conſider it as the firſt of all rights, the moſt valuable of all poſſeſſions. That right, that ineſtimable poſſeſſion, for reaſons of public utility, our anceſtors were contented to forego. In a word, they did that which has ever been counted a mark of exalted virtue—They choſe rather to be little in a great ſtate, than great in a ſmall one. Deciding on the rights of the deſcendants of men ſo circumſtanced, you would be diſpoſed rather to extend than diminiſh thoſe rights. We aſk no extention; we demand nothing but what the union gave. All we deſire is, that you will not, in contradiction to the clear and obvious meaning of that agreement, to the ſenſe entertained and declared of it by thoſe by whom it was framed, and in contradiction to the cleareſt principles of repreſen-

presentation, abridge our rights, by curtailing the slender compensation allotted us, for the greatest loss which men who have any dignity can sustain!

Viscount Stormont concluded with moving,

"That it is the opinion of this Committee, that the Earl "of Abercorn, who was chosen to be of the number of the "sixteen peers, who, by the treaty of union, are to represent "the peerage of Scotland in parliament, having been created Viscount Hamilton, by letters patent under the great "seal of Great Britain, doth thereby cease to sit in this "House as a representative of the peerage of Scotland."

The Bishop of *Landaff* declared, that had the question appeared to him of nice legal discussion, he would not have presumed to trouble their Lordships with any sentiments which he might entertain respecting it; since no man knew less of the law and its distinctions than he could pretend to be conversant with, but he was sufficiently informed of the history of the transactions on which the present question was grounded, to be satisfied that a moderate portion of plain common sense was equal to its comprehension. He imagined that there could scarcely be two opinions on the motion. It was clear, from the noble Viscount's accurate and perspicuous reasoning, that His Majesty had been graciously pleased to bestow English honours upon two Scotch peers. That he conceived to be an infraction of the treaty of union; but then, it was an infraction on the part of England, as the honours conferred were English; Scotland consequently could not find fault, nor did he mean to complain. On the contrary, he thought it extremely right that His Majesty, the source and fountain of favour and of distinction, should have the power of calling up to that House, men of large property and estate, men who distinguished themselves in the profession of the law, the army and the navy, men whose public services in the other House of parliament entitled them to honours and rewards, and, more especially, peers of Scotland, descended most of them from old and noble families, who, consequently, could add the lustre of ancestry to their other eminent qualifications; for, whatever might be said of ancestry, no man despised it, but he who had none to value himself upon, and no man made it his pride, but he, who had nothing better to boast of. On the present occasion, he congratulated their Lordships on the accession to the British Peerage of the two noble Lords, not more dignified by birth, than by their character and their merit. With regard to the distinction so forcibly drawn by the noble Viscount between individuals and virtual representation, it was a discrimination almost too evident to require farther elucidation; but if it were supposed that a member of the other House be-

ing called up by patent to a ſeat among their Lordſhips, ſhould, nevertheleſs, inſiſt upon keeping his ſeat as a repreſentative of the people at the ſame time, a ſtronger inſtance of the truth of the argument, and of the abſurdity of the fact upon which it reſted could ſcarcely be given; yet, as extreme caſes ſometimes removed all doubt, his Lordſhip ſaid he would beg leave to bring forward as a ſuppoſition that when the act of union firſt paſſed, the Queen had choſen immediately afterwards to create the whole of the ſixteen Scotch peers Britiſh Dukes. Was there one of their Lordſhips who would not in that caſe have agreed, that the peerage of Scotland had a right to complain, that their repreſentatives had betrayed their truſt, and bartered their Scottiſh titles for Engliſh honours? So extreme a caſe, undoubtedly, was not likely to happen; but it put the queſtion in ſo forcible a light, that after having ſo ſtated it hypothetically, he truſted their Lordſhips would with him concur with the motion, and that the proper forms would in conſequence be forthwith complied with, which were neceſſary to be reſorted to previous to the peerage of Scotland proceeding to an election of two new repreſentatives in the room of the Earl of Abercorn, now Lord Viſcount Hamilton, and the Duke of Queenſberry, now Earl Douglas.

Earl of Morton. The Earl of *Morton* obſerved, that notwithſtanding the great abilities and authority of the noble Viſcount, and the learned and right reverend Prelate, he thought it his duty to declare, his mind revolted at it, and the more he endeavoured to inveſtigate the queſtion, and aſcertain its preciſe tendency, the more he was confirmed in his firſt opinion, and the leſs inclined he found himſelf to give away or abandon the judgement which he had, on what he conceived to be good grounds, adopted. He proceeded to ſtate his conſtruction of that ſection of the act of union that refers to the caſe, and contended, that unleſs they were rendered legally incapable of repreſenting the Scotch peerage during any part of a ſeſſion, they were, by their conſtitution, elected to ſerve the whole ſeſſion out till the parliament either naturally expired or was diſſolved.

Earl of Fauconberg. The Earl of *Fauconberg* ſupported the motion, aſſigning his reaſons for thinking their Lordſhips bound in juſtice to declare two vacancies in the number of repreſentative peers of Scotland. He concluded with declaring, that he thought this country indebted to Scotland, and he heartily wiſhed that he could ſay as much of another part of the Britiſh dominions.

Earl of Hopetoun. The Earl of *Hopetoun* went through the hiſtory of the parliamentary tranſactions at forming the treaty of union, and ſtated the reaſons why the acts were left as they were.

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The *Lord Chancellor* opposed the motion, as going upon a principle not recognized by the treaty of union. He solemnly conjured their Lordships to consider how much their dignity, their honour, and their character were concerned in keeping their tribunal pure, untainted, and unsuspected. He spoke of (what he described as) the humiliating degradation which must inevitably ensue, if they deviated from the strict line of their duty in the delivery of a decision in a case, which, though of great weight and importance, was nevertheless connected with future elections, by recalling to their minds the degree of rankness and corruption, which the tribunal of another place had arrived at, in determining cases of election, insomuch, that it had been at last found absolutely necessary to take the jurisdiction out of their hands. He declared that he could not avoid mentioning, in terms of praise, the unimpeached rectitude of the proceedings of the new court to which he alluded, and the justice of their decisions in general. Their Lordships were not to listen to arguments grounded on supposed or real inconvenience to this or that set of men; nor were they entitled to consider what an act of parliament should have been, but what it was. They were bound to abide by it, and to comply with its letter. He added, that he must take the liberty of reprehending the noble Viscount (Stormont) for using the sort of argument with which he had introduced his motion; and he declared that the learned and right reverend prelate should have taken care to have read the articles of the treaty of union, before he had ventured to let loose his opinions upon the subject. He insisted upon it, that the giving an English title to a Scotch peer, could not take away or diminish any one function previously possessed by a Scotch peer, and that he was as fully capacitated to continue the representative of Scotland after receiving an English honour as before. He instanced the case of the Duke of Richmond, who, as Duke of Lennox, was entitled to and enjoyed all the privileges of a Scotch Duke. He stated the facts which distinguished the passing of the act (prefatory to the act of union) which passed in Scotland, and after describing the various circumstances of the whole transaction, summed up a long argument, with laying down certain legal premises, which he challenged any noble Lord to contest with him. He argued that as the acts of constituting what is generally termed the treaty of union, stood, nothing short of a legal incapacity, (which letters patent creating a Scotch Lord an English Peer, he contended was not) could put any of the sixteen Scotch peers out of the situation of representative peers, till the session of parliament should have either expired or become dissolved.

Lord Chancellor.

Ld Loughborough. Lord *Loughborough* said, that from the word tribunal, and the manner in which the noble and learned Lord had prefaced his speech, he had been inclined to imagine he had mistaken the question before the House, and that it was a judicial instead of a political and preliminary proceeding. Under this impulse, he had looked to the table, to see if any petition had been presented, and turned his eyes to the bar, to observe if the counsel and agents were below it. Nothing could be more distant in its nature from a judical proceeding than that under consideration; not that he had any, the smallest objection to having it judically treated, if the noble and learned Lord thought proper. All he desired was, that a clear, unembarrassed, simple, obvious proposition, to which the minds of every order of men were fully competent to comprehend and to decide, should not be wrapped up and disguised from their Lordships view, by the mode of treating it. His noble friend, (Viscount Stormont) distinctly told their Lordships the nature of the case which was submitted to their judgement and their justice; the right reverend and learned Prelate opposite to him, and the noble Earl (of Hopetoun) near him, had also fully explained it. Let their explanations be considered, and let the true spirit of the treaty of union be applied to it, and there was not one of their Lordships, who (he conceived) could hesitate a moment what part to take. Let them ask themselves, what possible injury they could do by voting for the motion? Would they diminish any noble Lord's rank, curtail his powers, or in any one shape whatever, trench upon his privileges? On the other hand, what unnecessary injustice would they not commit, if they decided against the motion? Did the treaty of union, or did it not, clearly, explicitly, and undeniably mean that Scotland should send sixteen peers, as the representatives of her peerage, to the House of Lords? He ever would maintain that the intention and spirit of every statute, the penal statutes alone excepted, were to be looked to for the construction. In penal statutes, the strict letter of the act must be followed. But in a case like the present, the intention and spirit of the treaty of union were to be taken, as the best guide to the right construction. His Lordship entered into a definition of the statutes alluded to,—mentioned what the peculiar election principle of the law of election in Scotland was—combated the Lord Chancellor's legal arguments,—expatiated on the case of the Duke of Dover, the Duke of Athol, &c. and answered what the Lord Chancellor had said respecting the Duke of Richmond, and the rights to which his title of Duke of Lennox entitled him as a Scotch peer.

The Lord Chancellor rose again, and after repeating his principal legal position relative to the treaty of union, de-

sired

fired the noble and learned Lord to meet him upon the ground which he had mentioned.

The question being called for, Lord Scarsdale put it, when the

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As soon as the Committee was resumed Viscount Stormont made his second motion as follows:

" That it is the opinion of this Committee, That the
" Duke of Queensberry, who was chosen to be of the num-
" ber of sixteen peers, who, by the treaty of union, are to
" represent the peerage of Scotland in parliament, having
" been created Earl Douglas, by letters patent, under the
" great seal of Great Britain, doth thereby cease to sit in this
" House as a representative of the peerage of Scotland."

This question was carried without a division.

The House adjourned.

*Friday, 16th of February.*

Duke of Norfolk. The Duke of *Norfolk* complained that the motion which he had the honour, on a former day, to submit to their Lordships, respecting certain papers necessary to elucidate the Commercial Treaty, had been but partially complied with. The very intelligence which he sought from Ministers was withholden; and, therefore, he again called upon administration to produce that kind of intelligence of which the House ought to be in possession, before they entered into any debate concerning a subject, in which the interest of this empire was so materially concerned.

Marquis of Carmarthen. The Marquis of *Carmarthen* said, that all the papers requisite, and which could with any degree of attention to the consistency of office be produced, were upon the table. Private correspondence was a matter which every noble Lord knew could not be published, unless some very imminent danger demanded it.

Viscount Stormont. Viscount *Stormont* contended, that every paper relative to a business, in which all that was dear, all that was honourable, all that was honest to this country, were involved, should be produced. Portugal had its claim to attention: but that claim seemed to be totally forgotten at this critical moment; and the most vague and inconsistent excuses were made, as substitutes for reason and justice. He called upon Ministers to come forward, and declare whether they did, or whether they did not, mean to set aside the Methuen Treaty, and act, as occasion might offer, in the negociation with our natural enemies the French. Rumours had gone abroad, and they were, perhaps, well founded, that to effect this

British

British junction with the House of Bourbon, all our trade with Portugal was to be sacrificed. This was a circumstance of infinite magnitude; and if the report of a conversation held with the present Portuguese Minister was to be credited, such at this moment was the idea of the present administration.

Lord Thurlow.

Lord *Thurlow* considered the time as improper to enter into a discussion of the merits or demerits of the Treaty: and as to any private conversation between British and foreign Ministers, he held that to be sacred; not that he imagined that the nature of any occurrence connected with the present treaty would shrink from the light of investigation. If the noble Viscount had any conference or conversation with the Portuguese Minister, let him declare it openly, and let him mention what passed. He knew of nothing that would not bear investigation.

Viscount Stormont.

Viscount *Stormont* replied that he held no improper correspondence with any Minister, and that the matters alluded to were no secret, for they were even publicly read at the Thatched House, St. James's Street. He condemned the hasty and unconstitutional mode of proceeding on the treaty, but, in particular, that part which so essentially concerned Portugal.

Lord Chancellor

The *Lord Chancellor* declared, that he did not know where the Thatched House was; nor did he think that such an authority was a proper one for their Lordships to take as a fact. Paper or papers might have been read there, but that was of little signification to the House of Peers. They were not to be guided by a tavern.

Viscount Stormont.

Viscount *Stormont*, allowed that the conclusion of the learned Lord's argument was a good one, if the premises had been established; but, unfortunately for him, the fact of the Thatched House was public. The meeting had been openly convened for the purpose, and all who were principally interested attended. As to himself he never had any private conversation with the Minister of Portugal, respecting public affairs, since he was out of office. But, thus much he would aver, that two years had elapsed in the present administration, and that within that time no serious step had been taken to continue our alliance in faith and honour with Portugal. A Minister had indeed been sent out, but he was scarcely there when he became obliged to return——He brought pistilence with him, and they were glad to send him back as soon as they could decently get rid of him. Much had been said, and much no doubt would yet be said concerning our neglect of Portugal, our old ally, and this new-fangled love for France, our natural enemy. Time would prove whether Ministers were right or not; at present he should take the

liberty

liberty to *inform* them—perhaps, only to *remind* them (for their intelligence, no doubt, was great and extenſive) that this boſom friend, this faſhionable, this honeſt, this ſincere neighbour, the Court of Verſailles, notwithſtanding all their ſmiles, all their promiſes, all their avowed good wiſhes; were at this moment in TREATY with PORTUGAL to MONOPOLISE the WHOLE of the BRAZIL COTTON TRADE; and conſidering how we were about to inſure our old ally, there was little doubt but the French would accompliſh that event ſo advantageous to them, and ſo deſtructive to us. The great care which miniſters took of any matter which regarded the welfare of the ſtate, had certainly put them properly on their guard, reſpecting this new Treaty of their new friend.

The Houſe adjourned.

*Tueſday, 20th of February.*

A motion being made that the Lottery Bill be read a ſecond time,

Viſcount *Stormont* preſented a petition from certain perſons, the proprietors of tickets, whoſe names were under-written, expreſſing their apprehenſions that this bill, if paſſed into an act, would moſt materially injure their intereſts in the lottery; and further craving to be heard by council on this ſubject. Viſcount Stormont.

The petition was read by the clerk, and

Lord *Thurlow* aſked, whether the noble Viſcount meant to make any motion with regard to it. Lord Thurlow.

Viſcount *Stormont* anſwered, that the only motion which he conceived might be proper to be made in the preſent ſtage of the buſineſs, was, that the petition do lie on the table; but, he owned, that he would not give the prayer of it his ſupport. Viſcount Stormont.

Lord *Thurlow* remarked, that the preſent moment was a ſingular one to preſent a petition againſt a bill under conſideration. The bill was in matter exactly the ſame with that which their Lordſhips (as he conceived) had moſt properly amended, and ſent down to the other Houſe. The object of it was to enforce more fully the former acts of Parliament. On account of the propoſed term on which it ſhould have taken place, had it paſſed into an act, having expired before it could obtain the concurrence of both Houſes, it had undergone a new ſhape, and, though exactly the ſame in ſubſtance, had been ſent up to them by the Commons as another bill, merely *pro forma*. — If any apprehenſions had been entertained of its injurious tendency, why had not thoſe apprehenſions been ſtated when it was formerly under their Lordſhips Lord Thurlow.

Lordſhips diſcuſſion? It was now too late, and it was, alſo, derogatory to the judgement of their Lordſhips to liſten to them.—He was exceedingly happy to find that the noble Viſcount felt the force of theſe conſiderations, and that he obſerved a determination in him not to give the petition any ſupport. The proper queſtion reſpecting it was this—Whether it ſhould be rejected or not.

Viſcount Stormont. Viſcount *Stormont* declared, that had the petition been preſented at a previous period he would have given it his ſupport. It was, ſurely, at the preſent conjuncture, ill-timed, and this was his chief objection to it—he did not concur with the noble and learned Lord in his idea that the ſole intention of the bill was to enforce the acts of Parliament reſpecting Lottery-office Keepers, which were at preſent in exiſtence, but which had been found inadequate to ſecure their objects. There was a clearer inlet, totally different from this aim, and which tended to legalize a ſpecies of gambling under the very ſpecious notion of inſurance, of which he could by no means approve: but, as this point had already obtained the approbation of their Lordſhips, he would not, at the preſent moment, give it any oppoſition. He begged, therefore, that it might be underſtood, that he did not decline ſupporting the petition for any other reaſon, than that it had come too late.

Lord Thurlow. Lord *Thurlow* then put the motion, "That the petition "be rejected," which, after a little general converſation, was ordered.

The Houſe adjourned.

*Friday, 23d of February.*

Mr. Grenville brought up a meſſage from the Commons; the ſame being received, the meſſenger withdrew, and the Lord Chancellor read it to the Houſe. "That the Commons "requeſted a conference with the Houſe, upon matters "highly intereſting to the manufactures and commerce of "the kingdom."

Marquis of Buckingham. The *Marquis of Buckingham* moved that the requeſt of the Commons be granted; and that the conference do immediately take place in the Painted Chamber.

Ordered.

Mr. Grenville, the meſſenger of the Houſe of Commons, was again called in, and informed of their Lordſhips determination.

The Houſe then proceeded to appoint a Committee to manage the ſaid conference, conſiſting of the following perſonages:

Earl

EARL CAMDEN, Chairman.
The Duke of Chandos,
The Duke of Gordon,
The Earl of Salisbury,
The Earl of Denbigh,
The Marquis of Carmarthen,
Viscount Stormont,
Lord Sydney,
Lord Hawkesbury,
The Bishop of Landaff,
The Bishop of Salisbury.

When the Commons were ready, the Committee withdrew into the Painted Chamber, and took their seats at the table, being covered, the managers of the Commons standing and uncovered. After the usual ceremonies, Mr. Grenville addressed himself to Earl Camden, the Chairman, and opened the business of the Conference thus: he observed that,

"The House of Commons had taken into their serious "consideration that part of his Majesty's Speech which related to the Treaty of Commerce with France, and entered "into certain Resolutions relative thereto. The Commons "had, likewise agreed to an humble Address to his Majesty, "respecting the said Treaty; which, together with the Re-"solutions, he had now the honour of presenting to their "Lordships, and to which he craved their Lordships' con-"currence."

Mr. Grenville then delivered the Resolutions and the Address to Earl Camden, after which the Lords and Commons alternately bowed to each other, and the Commons retired, and the Lords and Commons returned to their respective houses, and thus ended the conference.

The Committee having returned, Earl Camden reported the subject of their conference with the managers of the Commons; and the Clerk at the Table read the several Resolutions which had been passed in the House of Commons, and delivered them to the Lord Chancellor.

Viscount *Stormont* now rose, and remarked that he thought it due to the respect which he owed their Lordships, to take the earliest opportunity of informing the House, that he should have occasion to desire their Lordships attention to his statement of several objections, which presented themselves to his mind, with regard to a single point respecting the present business, and this was, the mode of their proceeding upon the Resolutions and the Address which had been read. He meant not to enter into argument upon the subject, then, nor to engage more than a single moment of their Lordships Viscount Stormont.

 time,

time. All he wished to impress upon their minds was, that as the objections he should have to offer, referred to the mode of proceeding in the business, what he had to say in that respect must necessarily precede their entering upon the consideration of the Resolutions and Address of the House of Commons. He added that it was indifferent to him, whether his objections to the mode of proceeding were heard on one day, or another, provided that the statement of them was permitted to precede the consideration of the Resolutions and Address.

Marquis of Buckingham.

The *Marquis of Buckingham* observed that so great was the importance of the subject before the House, to the commercial and manufacturing interest of the nation, that it required the earliest and most deliberate investigation. He should therefore beg leave to move, "That the said Resolutions and "Address be taken into consideration in a Committee of the "whole House on Thursday next." He afterwards moved, "That the House be summoned for that day, and that the "Resolutions, Address, and all other papers relative to that "treaty, be referred to the said Committee."

As soon as the motion for the House to resolve itself into a Committee, for the purpose of taking into their consideration the Resolutions and humble Address, had been stated from the Woolsack,

Viscount Stormont

Viscount *Stormont* rose again (as he said) to repeat to their Lordships, that the objections which he had to state in regard to the mode of proceeding proper to be adopted, must necessarily take place of any other step in the business; and, as he saw no objection to stating them on Thursday next, he would avail himself of that opportunity; but hoped it was understood that the statement of his objections to the mode of proceeding was to precede their Lordships going into a Committee.

Marquis of Buckingham

The *Marquis of Buckingham* answered that he saw not the least possible objection to the noble Viscount's proposal.

The question was then put and agreed to.

The House adjourned.

*Wednesday, 28th February.*

Duke of Norfolk

The order of the day being read,

The Duke of *Norfolk* observed, that he felt a great pleasure in discovering that the business to which he meant to call the attention of their Lordships, was concentrated in a single point; and that consequently, he should have occasion to give their Lordships the less trouble. He then, proceeded to state the great advantages this country had derived from her commercial connection with Portugal, under the Methuen

Methuen Treaty; and said that, before we entered into new engagements with France, the natural rival of this country in commerce as in power, it behoved us to take care and secure, beyond all risk, our old customer and ally, the kingdom of Portugal. He entered into a discussion of the account of our exports and imports to and from Portugal, as given in a printed paper on the table, and said to have been made up by the factory at Lisbon and Oporto He declared the paper to be the most incorrect document that he ever knew submitted to Parliament, and intimated his suspicions that it was designed for the purpose of depreciating the value of our trade with Portugal. He examined it article by article, asserting that it was erroneously cast up to the amount of 36000l. and contended, that the balance of our trade with Portugal, in our favour, was stated at about 240,000l. when in fact it amounted to upwards of 400,000l. In order to ascertain this point he reasoned upon each of the items, and mentioned the particulars in which he thought them erroneous. He stated our export trade to amount to more than a million a year, and observed the articles were woollen cloths, and 150,000l. worth of salt fish, the mere carriage of which from Newfoundland occupied sixty vessels. On the other hand, he expatiated on the usefulness of our import articles from Portugal, most of which were indispensably necessary for our own manufactures; instancing the Brazil cotton, the salt to manufacture our Newfoundland fish with, the oil to dress our cloths with, and other articles equally necessary for our manufactures. If the import of Brazil cotton made a balance against us of 100,000l. a year, he should be glad to find we had such a source of raw material for our very valuable cotton manufacture. Cotton which cost us 3s. and 3s. 6d a pound in Portugal, sold here as high as three or four pounds per pound. He declared, that the motion which he meant to offer, in his mind, would prove equally satisfactory to the friends of Ministers as to those in opposition; and as he did not wish to irritate or beget dejection in the minds of the former, he would not impute blame to administration, notwithstanding that he really thought that the negotiation with Portugal ought to have been completed before the Treaty with France had been concluded. The Duke at length drew his speech to a close, and finished with reading the two following motions, the first of which he afterwards made regularly:

"That the Treaty concluded in 1703, between the "crowns of Great Britain and Portugal, called the Methuen "Treaty, is a perpetual subsisting Treaty, and has invariably been found productive of various benefits to the "commerce of the two kingdoms.

"That it is highly expedient that any difference that may
"have arisen upon the construction of the said Treaty, be
"amicably adjusted, and such farther arrangements adapted
"as may effectually secure the uninterrupted continuation
"thereof, before we proceed to the confirmation of the
"Treaty now depending with France.

The Marquis of Buckingham.

The Marquis of *Buckingham*, declared, that he should oppose the motion; but, he would not do it without assigning his reasons, and he must necessarily go more into the detail of the trade of this country with Portugal, than the noble Duke had done. The Marquis then traced the connection between the two countries, and between Great Britain and France, from the year 1640, in Charles the First's time, down to the present æra, marking and noting all the historical facts, such as Oliver Cromwell's Treaty, the wicked policy of Charles the Second's Ministers, the Treaties of James the Second, the conduct of William and Mary, the prohibition of our woollens on the part of the court of Portugal, the effect it had upon our exportation, the formation of the Methuen Treaty, the consequences that had resulted from it, the instances in which Portugal had broken her faith to us, as pledged by the Treaty in the year 1703, and the ground on which we had lately negotiated with her through Mr. Falkener. He stated the terms of the Methuen Treaty, and the opinions that the greatest and most able writers on the subject had maintained in the year 1713, when its merits and its construction were so deeply the subject of public and of parliamentary discussion. The general opinion, and that which had the greatest number of followers, he said, was, that the Treaty bound to Portugal, but that it was optional on the part of this country to observe and adhere to it or not, as we thought proper. He observed, that the woollens which we exported to Portugal, though an object of importance, compared to the general export of British woollen, amounted to a mere trifle. According to the Methuen Treaty, British woollens had been stipulated to be imported into Portugal from this country, on low and advantageous duties; but Portugal had since, in direct violation of the Methuen Treaty, imposed various duties upon them. She had laid on one duty under pretence of building a custom house at Lisbon, and that custom-house having been since consumed by fire and rebuilt, the duty still went on, though it had been rebuilt the second time, more than fourteen years ago. Portugal had imposed another duty on the British imports into that kingdom, on account of the erection of another custom-house in another place, and she had lately formed a new book of rates, in which, under different pretences, additional

duties

duties were impoſed upon our woollens and other articles. The Marquis followed the Duke of Norfolk through his examen of the paper on the table, and ſtrove to convert his line of the argument reſpecting its terms. He contended that, it was a fair paper, and that the factory could have no intereſt in miſleading. He laid out of the ſtatement all the amount of the trade of Ireland, and very conſiderably reduced the ſize of the balance in favour of this country. He next enlarged, on the fallacy of cuſtom houſe books in general, arguing that the entries were ſometimes, through the vanity of the exporter, aggravated and exaggerated on the one hand, and the amount concealed on the goods arrival at Portugal, on the other. He in concluſion declared that, he muſt refuſe his aſſent to a motion, the words of which, in his mind, were inapplicable, viz. the denominating the exiſting Treaty, a permanent and perpetual Treaty.

The Duke of *Norfolk* anſwered, he had no objection to leave out thoſe words, if that would induce the noble Marquis to ſupport his motion. The Duke of Norfolk.

The Marquis of *Buckingham* replied, that no alteration could induce him to give his conſent to a motion, which appeared to him to be more likely to embarraſs government, and procraſtinate the event of the pending negotiation than to accelerate it. The Marquis of Buckingham.

The biſhop of *Landaff* ſaid, he could not decline embracing the firſt public opportunity which had been offered him, of delivering his ſentiments on the Commercial Treaty, between France and Great Britain; he conceived it to be a ſubject of as great importance, as had ever been debated ſince he had the honour of a ſeat in that Houſe. His ſentiments, he ſaid, were decidedly againſt the Treaty, and he begged it might be obſerved, that his opinion was not really taken up, or raſhly entertained; all thoſe with whom he had converſed upon the ſubject, and he had converſed with not a few, could witneſs for him, that this was his opinion from the firſt moment the Treaty was announced to the public, and every thing that he had heard or read concerning it, confirmed him in it. If he could have ſuffered any bias to have influenced him on the occaſion, it certainly would have been a bias from perſonal acquaintance, attachment, connection, from a thouſand motives, to have concurred in opinion with the chief ſupporters of the Treaty; but his mind was againſt it, and he could not do it; his judgement was againſt it, and he would not do it. The Biſhop of Landaff.

In conſidering the ſubject, he would take a wider field than what had been pointed out by the motion of the noble Duke; he would not merely conſider the queſtion, as it effected our trade with Portugal, but as it effected our foreign

trade

trade with all the world, being persuaded that the more intelligent and comprehensive view their Lordships had of the question, the more likely they would be to come to a just and proper conclusion.

The question before their Lordships, he observed, was of such a novel, extensive, and complicated a nature, its consequences were so much involved in darkness and conjecture, that he scarcely knew how to treat it on principles of sound reasoning; he was anxious to find out some clear and incontrovertible *data*, on which he might proceed to ground a conclusive argument; for speculative declamation, on either side, was quite beneath the importance of the subject, and unworthy the attention of the House.

He could not, he thought, proceed on better grounds than by submitting to their Lordships consideration, an abstract statement of our foreign commerce, from the year 1740, to the conclusion of the last peace. He pitched upon that period, because it was during that period that we had sustained the burden of three wars; the two last of which were conducted on such a scale of expence as must, had it not been for the increase of our foreign commerce, have utterly undone the nation. My Lords, he said, we are not yet undone, there is nothing in the circumstances of the country which should drive us, like merchants of bankrupt credit, to dangerous speculations; we yet stand high amongst the nations of the earth, attracting the admiration and exciting the envy of all Europe.

The most flourishing period of commerce, which this country had ever seen, was about the year 1750; we had during other periods larger exports, but the balance of trade in our favour was then at the highest, it amounted to near five millions and an half a year, but if we had taken the annual average from the year 1740, to the year 1780, it would appear to be four millions; it would be somewhat less if we took the average up to the year 1782, but as the circumstances of the nation in the year 1781, were so singular, that the balance of trade was against this country, it would be just, he said, to assume four millions as our annual balance from the year 1740, to the conclusion of the last peace.

This account of the sums we had annually gained by our foreign commerce, he assumed as a fact established by the custom-house books. He was quite aware of what speculative men might object to the establishing the prosperity of a country by the balance of its trade, or to the judging of that balance by the custom-house books; that was not a time or place to discuss these points, since all would allow that when long periods of time were taken together, it was perhaps the best method which could be used; and though

it did not arrive at geometrical certainty, it was certain enough for a general conclusion; assuming then four millions as the annual average of foreign trade in our favour, the next inquiry was, from what countries this balance was drawn. He would not trouble their Lordships with calculations, but with the results of calculations.

He began with Holland. About the year 1745, our trade with Holland was at its heighth; it then gave us a balance of near two millions a year. It was not now so great as it had been formerly, but was still the greatest we had, and for the last forty or fifty years, we had annually gained about 1400,000l. He knew not by what injudicious policy it had happened, in one country or in both, that the friendly intercourse between Great Britain and Holland had been interrupted; sure he was that it would be for the interest of both parties to see it speedily restored, for he had ever been taught to look upon the Republic of Holland as one of our strongest barriers against the ambition of France. Let France, he said, by intrigue or violence, by secret negociation, or open aggression, once become possessed of the marine of Holland, in addition to her own, and there would be an entire end of our history as a great, a wealthy, and, what was above all, a free people. And as to Holland, her councils must be infatuated to a great degree, if she did not perceive that she could have no protection against the selfish machinations of continental despotism, but under the shield of Britain.

He considered our trade with Germany as the next in importance, both with respect to its stability and extent, to our trade with Holland. This trade had not been subject to any great fluctuation from the beginning of the century, we had from that time cleared from it about 800,000l. and for the last forty or fifty years, above 700,000l. a year.

After Holland and Germany, our next most beneficial trade was with Flanders. This trade was not great in the beginning of the century; since the year 1740; it might be estimated at ' 00,000l. a year; since the year 1770, it had been, on an average, 800,000 l.; and, in 1785, it was within fifty thousand pounds of a million in our favour. It deserved all possible encouragement and protection.

The balance of trade with Portugal was, at an average, for thirty years previous to the peace in 1763, 800,000 l.; from the year 1740 to the present time, it had amounted to above 400,000 l. a year; and though it had been some years less than that sum, yet in 1755 it exceeded it.

Our trade with Spain for the last forty years had given us near 400,000 l. though at present, exclusive of the Newfoundland fish, it did not much exceed 150,000 l. a year.

With

With North America there had been a balance in our favour since the year 1740 of near 500,000 l. a year.

In this short abstract he omitted the mention of Ireland, because, on account of the different modes of valuing her linens in the English and Irish Custom-house, there was a diversity of opinion as to the balance. He omitted the mention also of our trade to Africa, because the greatest part of it was a scandalous trade, repugnant to every principle of humanity and Christianity, and not to be justified by any arguments drawn from its utility. He omitted the mention of some other sources of trade from which we derived considerable advantage, because they only served to supply the drain which the nation experienced in its trade with Russia, Sweden, Turkey, &c. from which countries, though the trade was beneficial on account of our importing raw materials, and exporting manufactures, yet the balance was against us.

The general account then, he said, stood thus:

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| The annual balance of | 4,000,000 l. made up from |
| Holland - | 1,400,000 l. |
| Germany - | 700,000 l. |
| Flanders - | 600,000 l. |
| Portugal - | 400,000 l. |
| Spain - | 400,000 l. |
| North America - | 500,000 l. |
| | 4,000,000 l. |

Thus had he brought to their Lordships recollection the great and the ancient channels in which our commerce had flowed with uninterrupted success for half a century. From the vicicitudes incident to the current of all human affairs, a few obstructions had of late years been formed in some of these channels; but surely he said the wisdom of the nation would have been much better employed in removing these obstructions, in cleansing, in widening, in deepening, in fencing and securing these ancient channels, the advantages of which had been known to our fathers and ourselves, than in opening a new one, the rocks, and the shoals, and the whirlpools of which were unexplored; the dangers of which no mortal eye could foresee; the advantages of which were certainly speculative, might be delusive, and, if delusive, must be ruinous to our wealth, our consequence, our independence, to every thing we held dear, as men and as Englishmen. Hitherto we had prospered, greatly prospered in our commerce, without having had the French markets open to us, without having had our markets open to them; and though

though he did not say that this mutual interdiction of commerce had been the cause of our prosperity, yet he did say that we had prospered in commerce to a degree which had raised the nation to the highest pitch of strength and glory, without allowing the French the use of our markets, without our being allowed the use of theirs. This, he observed, was an argument founded on fact, on the experience of half a century and more; and it was not less clear in its principle than certain in its conclusion; and the conclusion was, that no advantages in speculation should induce us to risk advantages in possession. We had prospered, and we did prosper, without an open trade with France, why then should we risk a change of system? He felt this argument in all its force, and he had too much deference for their Lordships wisdom to add one word more in its support: if there was no other argument against the treaty, this would be sufficient to make him reject it as a rash and dangerous measure.

In this short statement of our foreign trade which he had submitted to their Lordships consideration, his conclusions were described from estimates previous to the last peace; he did not certainly know whether for the last five years our foreign commerce had been more or less flourishing than it had been for the forty preceding years: but he would state this dilemma, if the balance of our foreign trade has been stationary or increasing during the last five years, beyond the medium standard of four millions a year, where is the wisdom of interrupting its course by new arrangements? Why should we not leave it to its own successful operation? If, on the other hand, our balance had been decreasing, why should we risk its farther diminution by opening a trade with France; for it must have been by her rivalry in foreign markets, and by hers alone, of all the powers in Europe, that our foreign commerce had been diminished: it was not Germany, it was not Russia, it was not Spain, which had broken in on our foreign commerce; but it was France; and France alone; and if she had driven us out of foreign markets, what chance could we have of meeting her in her own?

He had said, that he would not assume the prohibition of our commerce with France as an efficient cause of our commercial greatness, two simultaneous events might exist together, without one of them being the cause of the other; but if it could be shown that our commerce did not flourish when the trade with France was open, as clearly as it had been shown that it did flourish when our trade with France was shut, men of plain understandings would suspect that there was some such connection between the commercia prosperity of Great Britain and the interdiction of commerce with France, as subsisted between effect and cause.

It was happy for us when we could illumine our prospects into futurity by the light of experience; he could appeal to various documents in proof of the pernicious tendency of an open trade with France; but, to spare time, he would confine himself to one. It was a proof which all their Lordships were acquainted with; it was the preamble to an act of Parliament passed in the time of Charles the Second, prohibiting an open trade with France. The preamble was to this effect:—"Whereas it has been by long experience "found,"—he begged their Lordships attention to the two words, 'long experience,'—"that the importing French "wines, &c had much exhausted the treasure of the nation, "lessened the value of the native commodities and manufac-"tures thereof, and brought much detriment to this kingdom "in general."

It would probably be said in answer to this, that the fact here referred to ought not to influence our present conduct; that the improvements which our manufactures had received since the reign of Charles the Second rendered an appeal to the experience of that time wholly nugatory: that we had then little manufactures of any kind except our woollen manufactures, which, by Colbert's policy, was loaded with a duty almost equivalent to a prohibition, and that we exported to France few articles of value except our woollens. All this was sooner said than proved. He begged leave to doubt concerning the truth of the observation. He had carefully examined the account of the articles which were exported from this country to France above a century ago, when the trade was open, and, so far from finding the fact to have been, that we exported little except our woollens, he found that we exported, exclusive of our woollens, above two hundred articles. We then exported of our manufactures wrought pewter, wrought copper, iron wrought into hoops, nails, and other articles of hardware; we then exported tin, lead, allum, corn, coals, gunpowder, glass, earthen ware, leather wrought and unwrought, and a variety of other articles, which it would be tedious to enumerate, and which did not then occur to his memory; so that he really saw no reason for presuming that the circumstances of the nation were so entirely changed, as to render a trade which, in the time of Charles the Second, was thought highly detrimental to the kingdom, and by which we lost a million a year, safe and lucrative at present. Our manufactures were undoubtedly improved since that time, but so also were the manufactures of France. He could not think that there was good ground for admitting that the relative situation of the two countries was not much the same now that it was then; and, if it was the same, then was the argument from experience conclusive against the treaty. He

He had dwelt longer than he intended on this subject, and yet it was material to consider what a great people we were become without having had an open trade with France. It was material to consider how detrimental our ancestors esteemed that trade to have been before we consented to abandon a system of commerce which had been sanctioned by the experience of a century. He would sum up what he had observed on this point in the two following propositions:

That to abandon a commercial system, by which we had risen to our present heighth in the scale of nations, was a measure, abstractedly considered, dangerous and impolitic, and not to be justified except by some urgent necessities of the State, which necessities did not at present exist.

That to adopt a commercial system, which our ancestors, from long experience, had reprobated, as detrimental to the kingdom, was an unwise measure, and not to be justified except by a change in the relative situations of Great Britain and France; the certainty of which change having taken place since the time of Charles the Second had not been proved, or rendered highly probable.

The Duke of *Manchester* rose to exculpate himself from a charge, which, as he understood, had been imputed to him in another place, viz. that in negociating the definitive treaty of peace at Paris in 1783, he had bound this country to the obligation of making a commercial treaty with France. The Duke produced the treaty, and justified himself from the imputation, by a discussion of the 18th article, and the declaration subjoined to the treaty. He took notice of an inaccuracy in the translation of the verb *pour travailler*, which in the English version of the 18th article is rendered *to treat*; and in the version of the 18th article of the preliminary treaty *to inquire into*. This incorrectness was an additional proof of the disadvantage, which, he had ever contended, it was for this country to make a treaty in any language but her own. Having premised, that though he had been the peace-maker, he had in no sense bound down the country to make a commercial treaty with France, but merely to treat upon the subject. He proceeded to state his objection to the commercial treaty, on the ground of its endangering the loss of Portugal; for he contended, that with her commerce we should lose her alliance. He also condemned the treaty on a still more serious ground, inasmuch as it revived and admitted the existence of the Family Compact, which had never been allowed, and which, by the second article of the treaty of Paris 1763, had been virtually done away.

The Duke of Manchester.

The Earl of *Carlisle* supported the argument in favour of the motion, and condemned the commercial treaty, as tending

The Earl of Carlisle.

ing to destroy our beneficial connection with Portugal. He stated the advantage under which Mr. Eden would have treated, had Great Britain either previously concluded her negociation with Portugal, or previously broken with her entirely. In the latter case, the negociator might have said, "I come to you with an additional benefit; you must grant "Great Britain an equivalent equal to its value;" as the matter stood, we had run the risk of making up our differences with Portugal, or suffering the advantage of an unrivalled market to fall into the lap of France, without entitling ourselves to ask for any compensation whatever.

Lord Porchester.

Lord *Porchester* observed that the noble Earl had forestalled him as to one of the points of objection that he entertained with regard to the mode of conduct pursued by Administration in respect to their negociation with the two powers of France and Portugal. Nothing could, in his mind, be more obvious, than that they ought at all events to have brought matters to a termination with Portugal before they signed with France. From not having done so, they had put themselves into a most singularly awkward predicament. They had reserved a right to do a favour to Portugal, which, if Portugal did not accept, we could not offer to any other power, and all the good consequences of Portugal refusing it would be so much gain for France. When we treated with France, we could only offer her an unequal market; a market in which her wines were to meet a competitor. Treating upon such terms, we could only expect terms from France proportionably beneficial; and having concluded the treaty under such circumstances, we had left ourselves exposed to the danger of Portugal's refusal to accommodate with us, and then what became of our reserve? His Lordship contended, with a good deal of strong argument, that by such conduct we had put it in the power of France to buy the unrivalled and open British market of Portugal, and not of ourselves. A report already prevailed of France's being in negociation with the Court of Lisbon; and considerable indeed would prove the inconvenience of her taking the Brazil cotton from Portugal, as far as it might operate against our boasted cotton manufacture.

Viscount Stormont.

Viscount *Stormont* supported the motion, and objected to the mode of proceeding that Government had adopted. He asked, if it was determined to give up the valuable trade of Portugal? If it were, why not tell the woollen manufacturer of Yorkshire that he was not to expect that any more of his woollens would go to the Portuguese market? That would be fair, and it would be plain dealing. It fell to his lot that day, in common with the noble Lords who had preceded him, to stand up in defence of some old antiquated notions,

tions, which he had early imbibed, and in entertaining of which he verily believed that he should die He then went through all the train of arguments in favour of a commercial connection with Portugal, in preference to a commercial connection with France, that had been urged by Mr. Fox in the other House of Parliament. He said, that the papers upon the table gave but an imperfect light into the Methuen treaty and its advantages, that consequently their Lordships could form but an inadequate idea of either. He had seen papers himself, which had he known how to have described, so as to have brought them before that House, would have thrown a considerable degree of illustration on the subject. He knew that since the year 1703, our exports to Portugal had amounted to eighty millions, and our imports to forty, consequently the balance in our favour had been enormous. Ministers seemed determined that the advantage should cease. In that case, where would they direct our manufactures to be sent which no longer would go to Portugal? If it was said Spain would take them, were they prepared to declare that the treaty with Spain was concluded, and that she was ready to open her arms to us, and to take our exports of woollens, of salt fish, of hardware, and of various other articles? He went at large into the argument advanced by Mr. Fox in the House of Commons, that in the 7th article of the treaty, France had artfully drawn us in to recognize the 24th article of the definitive treaty, which by the second article of the treaty of Paris in 1763 we had forced her to disavow. He read the 24th and 25th articles of the Family Compact, and contended, that by recognizing the first we had given life to the spirit of the second of the two articles. He expatiated on the different nature of our reserve in favour of Portugal, and France's reserve in favour of Spain, declared that France had made it on condition with us, that if we kept our faith with an old ally, she should be allowed to put an article of the Family Compact in force that had never been recognised by us.

Viscount Stormont appealed to the gratitude of the country towards Portugal, and observed, that during the glorious war which preceded the peace of Paris in 1763, France had taken a resolution, which no man who walked the streets of Paris did not condemn, of forcing Portugal to desert her old ally, and join the Family Compact. What was on that occasion the conduct of the King of Portugal? Such as would have done honour to any country in any age. That Monarch said, that he had rather suffer the roof to be torn off his palace than act so disgraceful a part as to take up arms against his old ally. He begged their Lordships would permit him to present them with a contrast to this picture.

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In the midst of peace with Great Britain, France, who till after the battle of Brandywine, held forth the most courtly language, and dealt in the most profuse assurances of amity and regard to this country, without a provocation of any kind whatsoever, pulled off the mask, plunged into the war, and sided with America against Great Britain. Happily her designs, covered as they had been with professions of attachment, had not been unknown to all the administration of that day; they were suspected, and the nation had not been taken by surprise, when that declaration was issued by France, which they had all observed. He meant not, by presenting this picture, to insinuate that the treaty of peace put an end to all resentment; it undoubtedly did, and it ought so to have done. Resentment was passion, and all passion was founded on weakness, and possessed an inherent tendency to rottenness and decay. Such principles ought not to regulate the conduct of nations; but principles immutable in their nature, and not depending upon such a precarious foundation. Principles which are at all times the same. Though resentment however was at an end, recollection of such conduct was not obliged to abandon their Lordships minds, nor could it be effaced from their memory.

Lord Hawkesbury.

Lord *Hawkesbury* observed, that he could not avoid concurring in what had fallen from a right reverend and learned Prelate, relative to the flourishing state of the commerce of this country. It was, he said, as he could inform their Lordships upon good grounds, extremely flourishing at present, nearly as much so as it ever had been at any the most flattering and prosperous period; and he was extremely happy to have it in his power to declare it; but flourishing as it was, considering the size of the public debt, it would have been an unpardonable neglect of duty in Government, had not an endeavour been made to open new markets to our manufactures, and to extend the trade of Great Britain as much and as widely as possible. To what market could they look with so much hopes of material advantage as the market of France? What could promise so much benefit to the commerce of the two countries as the reciprocal exchange of the commodities of both? It had, he knew, been much rested on, that the trade of this country had not prospered greatly, when we were connected by a commercial treaty with France; and it had been asked, in the course of the debate, whether the state of this kingdom, and the state of the kingdom of France, was different at the time of passing the treaty of Utrecht from what it was at present. To which he should answer, that the state of the manufactures and trade of this country bore no sort of comparison to the state of its manufactures and trade in 1713. The articles of the treaty of

of Utrecht might have been very inexpedient for this country to have adopted when that treaty was made; but they were by no means ſo under the preſent very different circumſtances of our commerce. To open the market of France to Britiſh manufactures was an object extremely to be deſired, and in effecting it, Government had ſhewn themſelves the beſt friends to the manufacturers of their country; and ſo, in ſpite of any falſe notions to the contrary, which might be entertained, the event would, he had not the ſmalleſt doubt, very ſufficiently prove and eſtabliſh.

With regard to Portugal, before he proceeded particularly to take notice of the motion, he begged leave to premiſe, that he was a ſincere well-wiſher to the continuance of our connection with that country under the Methuen treaty. Much as he had reaſon to differ from other noble Lords reſpecting the value and the importance of our trade with Portugal, he nevertheleſs ſincerely hoped that trade would continue, and had reaſon to expect that the preſent negociation would be terminated to the ſatisfaction of both countries. Having ſtated this, he proceeded to mention the nature of our trade with Portugal for many years paſt, which he ſaid he ſhould ground on papers then upon the table of the Houſe. He obſerved, that as the meaning of the Methuen treaty had not been particularly the object of argument in the debate, it was unneceſſary for him to go into that conſideration, otherwiſe he could have ſhewn their Lordſhips what Mr. Methuen's opinion had been of the meaning of his own treaty. But, the better to ſee in what degree our trade with Portugal was affected by that treaty, it would be neceſſary to inquire into the ſtate of it before the Methuen treaty had been concluded, and the ſtate of it ſince. Cuſtom-houſe books, he admitted, were not the beſt authorities, becauſe they were from various cauſes imperfect and incorrect; but, in one view, they might be referred to as uſeful ſources of information; he meant where a compartive ſtate of our trade with any country for ſeveral years together was wiſhed to be ſeen; and the reaſon why in that caſe they might be relied on was, becauſe, though the entries in Cuſtom-houſe books were liable to error, ſtill as the accounts were all made up in the ſame way, and were conſequently liable to the ſame errors and imperfections, it was fair to conclude, that the account of one year was as correct as the account of another: and that, though the particulars might be incorrect, yet, from the totals of the ſeveral years, a tolerably juſt comparative ſtate of our trade to any particular country might be found. Upon referring to Cuſtom-houſe books, it would be ſeen that, in the laſt century, when the Court of Portugal impoſed a partial prohibition on our woollens, (for entirely

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prohibited it had never been) between two hundred and fifty thousand and three hundred thousand pounds worth of woollen cloth was purchased of this country by Portugal. We at that time continued to take the wines of Portugal as before, till the year 1703, when Mr. Methuen had been sent to Lisbon to conclude the treaty with the Portuguese Court, by which that Court bound itself to take our woollens at a certain low rate of duty. That treaty was, as the House well knew, concluded; and it had been religiously adhered to on our part, though Portugal had, in a variety of instances, departed from a strict adherence to the treaty on her's. Since the conclusion of that treaty, the amount of our exports to Portugal, and the balance of trade with that kingdom in our favour, had, from time to time, been extremely different. Lord Hawkesbury stated its amount in different periods; taking, as one period, from the year 1730 to 1760, a period of thirty years; and, as another, the period of 1772 to 1782; whence he made it appear that it had lately decreased to less than half the sum to which it formerly amounted. Our exports of woollens, in particular, (it appeared from the papers on the table) did not amount to more than between four and five hundred thousand a year; whereas, in the year 1701 and 1702, when the import of British woollens laboured under partial prohibition and heavy duties, it appeared that Portugal took woollens of us to more than half the amount that she now took under the Methuen treaty. So much therefore for the real state of our woollen-cloth exportation to Portugal, But noble Lords had complained that the treaty with France ought not to have been concluded before the negociation with Portugal. In regard to that, it should be remembered, that, by the 18th article of the definitive treaty of peace, signed by a noble Duke, (the Duke of Manchester) Great Britain was bound to endeavour to form arrangements of commerce with France in two years, and afterwards another year had been added. Was Government therefore to have neglected a compliance with the stipulation of the 18th article of the definitive treaty, because Portugal would not adjust the complaints of her breach of the Methuen treaty? If Ministers had tried again and again, and found that Portugal, in spite of all they could do, or all they could say, would not listen to reason, nor consent to comply with the Methuen treaty, as to its obvious spirit and meaning, would it have been right for Government to have let pass the opportunity of concluding a treaty with France, which promised to prove highly advantageous to the British manufacturer, highly beneficial to the commerce of the country? He adverted to the instances in which Portugal had failed in complying with the meaning

of the Methuen treaty. The case of Ireland, he said, was notorious. The woollens of Ireland had been admitted into Portugal in like manner as the British woollens had been admitted till the period, when Ireland was declared independent, and then it was that Portugal pretended that Ireland was not comprehended within the meaning of the Methuen treaty. If he knew any thing of public law, no point of public law was more clear than that when one sovereign Prince made a commercial treaty with another, all the subjects, at least all the subjects in Europe, of that Sovereign Prince were comprehended in the treaty, and entitled to participate in its beneficial consequences. The distinction, therefore, with regard to Ireland, was an idle one, taken up upon weak, and persisted in upon unjustifiable grounds. Nor was that by any means the only cause of complaint, with regard to the Court of Portugal's not observing the Methuen treaty. A book of rates has been published, imposing new and heavy duties on British woollens, and other goods imported into Portugal, and the levying of those duties was entrusted in the hands of a single Custom-house officer, and not in the hands of a Minister. A circumstance attended with infinite inconvenience to our trade, and, in some instances, operating like a prohibition, as the dread of having the wanton caprice of the Custom-house officer in Portugal, above alluded to, exercised to their prejudice, deterred many British manufacturers from sending their goods to the Portuguese market. Another distinction, which Portugal had also taken with regard to her construction of the Methuen treaty, was peculiarly adverse to the trade of this country. The distinction was, that all newly-invented manufactures, since the year 1703, were not included in the Methuen treaty, and were liable to pay whatever duties the Court of Portugal chose to levy upon them; this their Lordships would see must necessarily bear hard upon all our cotton manufactory, almost every article of which was of recent invention, although it was already brought to such a state of perfection as to astonish the world. He expatiated upon these circumstances, and declared, he was not only ready to do justice to Portugal, but willing to do her a favour; but he appealed to the sense of the House and the Public, whether it did not become Government to exert itself, and to bring the Court of Portugal to an explanation, and oblige her to perform her observance of the Methuen treaty as faithfully as we did ours. The commercial treaty with France, he contended, was of itself a favour to Portugal, since, if she thought proper to adhere to the Methuen treaty, she would derive a very considerable advantage from the article in regard to reducing the duty on her wines one-third

lower than the duties on the wines of France, being carried into execution. He combated Viscount Stormont's argument relative to the 24th and 25th articles of the Family Compact, and contended, that the 24th article of the Family Compact only stipulated that the French and Spaniards, in point of navigation and commerce, should reciprocally be entitled to all the privileges of subjects in the two countries, and consequently that it had in no sort affected us. With regard to the idea of France entering into a commercial treaty with Portugal, he considered it as too chimerical to be seriously dreaded. He asked if any man in his senses imagined that France would take 12,000 tons of the wines of Portugal for her own consumption? A circumstance so unlikely to happen, surely, was not a circumstance that ought to alarm this country. In conclusion, Lord Hawkesbury observed that he should oppose the motion, because, instead of weakening the hands of Government, and embarrassing the negociation pending with Portugal, he held it to be the duty of that House, as of the other, to strengthen the hands of the executive Government, and, by uniting on the present occasion, to hold out to Portugal a firm determination in the British Parliament, to support Administration in their just demand upon the Court of Lisbon, to comply with the spirit and meaning of the Methuen treaty.

Lord Portchester. Lord *Portchester* rose to explain. The noble Lord, he said, had either misunderstood him egregiously, or mistated his argument. He appealed to the recollection of their Lordships, whether he had talked of France's being likely to take 12,000 tons of Portugal wine, or suggested any thing half so absurd as such a proposition. What he had remarked was, that by our having concluded a Treaty of Commerce with France, before we had brought our negociation with Portugal to an end, we had put it in the power of Portugal to sell the open British market to France for commercial advantages, which France might, for such a bargain, be glad to give to Portugal. But he had never dreamt that France could, or would, as one of those commercial advantages, take 12,000 tons of Portugal wines. What? France, a country which made the best wines in Europe, take 12,000 tons of the worst wines any European country produced! The proposition had been too ridiculous to be stated. His complaint was, that the Treaty with France, upon the face it, made it the interest of France, by every species of influence and intrigue, to prevent Portugal from acceding to our demands upon her, and, in case of a failure of the negociation, France might have the open British market without any compensation being given to us for that advantage. But were there no

other

other commercial advantages France could give to Portugal for such a benefit but taking wine? France might take all her Brazil cotton at her own price, and then our cotton manufactory was undone at once.

L. Hawkesbury. Lord *Hawkesbury* replied, and insisted upon it, that no other country but Great Britain could take 12,000 tons of Portugal wine; and that it was fair to state *that*, as one glaring instance of the improbability of the Court of Lisbon's breaking with Great Britain. With regard to the Brazil cotton, this country was the best market for cotton in Europe, and as long as she continued to be so, there was no doubt but that the Brazil cotton would find its way to it, whether it came directly from Portugal or through France. As to the cotton manufactory of this country being likely to be ruined for want of a supply, he declared he had not an apprehension of that kind; for the growing of cotton was now the universal practice: in a very short time, therefore, in all probability, we should have a sufficient supply even from our own islands.

Viscount Stormont. Viscount *Stormont* having observed that he would confine himself to explanation merely, contended, that, according to Lord Hawkesbury's doctrine, the 18th article of the Definitive Treaty of Peace bound us, within two years, to make any Treaty of Commerce with France whatsoever, that France thought proper, let it be ever so disadvantageous to this country; whereas the true meaning of the article was, that the high contracting powers should *endeavour* to treat about arrangements of commerce within the period named, and, therefore, if the endeavour had even been made without success, the good faith of both the high contracting powers would have been kept. He illustrated this by mentioning, that by the terms of a treaty many years since concluded between Great Britain and France, both powers stipulated to send Commissaries to Antwerp, to settle some particular and specific arrangements, which were not settled to this hour. Viscount Stormont entered again into a discussion of the argument he had before advanced relative to the 24th and 25th articles of the Family Compact, by disavowing it, though not in explicit or direct terms. He next alluded to the statement of Lord Hawkesbury relative to the decrease of our trade with Portugal, and endeavoured to impress it upon the minds of the House, that he had given that decrease of balance as a justification of a breach with Portugal. Upon similar grounds (he contended) a breach with France, in respect to the lately concluded Commercial Treaty, might, a year or two hence, be justified, in case the amount of the exports of this country should decrease. In the course of his reply, Viscount Stormont spoke of Lord

Hawkesbury as one of the first authorities in the kingdom, and a person of known *influence* where influence could most powerfully operate.

L. Hawkesbury. Lord *Hawkesbury* desired, once for all, that he might not, in that House, be supposed to possess or to claim any authority, but the authority which he derived from his arguments. With regard to the noble Viscount's statement of what he had said relative to the 18th article of the Definitive Treaty, he appealed to the recollection of their Lordships, whether he had not spoken of the stipulation of that article exactly as the noble Viscount had declared it to be liable to construction, viz. as an obligation upon the executive Government, in point of preservation of the national good faith, to *endeavour* to form a treaty of arrangement of Commerce between the two nations, on the basis of reciprocity and mutual convenience, and not (as the noble Viscount had imputed to him) as an obligation upon Ministers to conclude a Commercial Treaty with France at all hazards. He appealed, also, to the House, whether he had ever asserted that we ought to quarrel with Portugal, because our trade with that kingdom had become less favourable than formerly? So far from this, he had only stated the decrease of the balance of the Portugal trade merely as an argument to prove that the value put upon that trade by some noble Lords was higher considerably than facts would bear out, and assigned various instances of infringement of the Methuen Treaty, not as an argument for our breaking with Portugal, but as a justification of Government in insisting that the Court of Lisbon should more faithfully comply with the Methuen Treaty in future, and that it should not be solely adhered to on the part of the Court of London.

Duke of Norfolk. The *Duke of Norfolk* declared himself by no means satisfied with any arguments advanced against the motion; and although, after what he had heard, he had little hopes of being able, by any thing he could say, to change the opinion of their Lordships, yet he thought it his duty to offer a few remarks upon what had fallen in the course of the debate. His Grace then observed upon Lord Hawkesbury's speech, that the whole of the noble Lord's argument appeared to him, like the paper he had in opening the motion commented upon, to be calculated to depreciate the value of our trade with Portugal, and to prepare for a total abandonment of that beneficial trade. The noble Lord, in the course of his speech had said, *if* Ministers have tried to obtain a redress of grievances at the hands of the Court of Lisbon in vain, *if* they have done so and so. That sort of language, he must remark, could not be regarded. The House knew of no grievances that existed, they had not heard of any infringement

ment of the Methuen Treaty on the part of Portugal, but the old ground of grievance relative to Ireland, which, as far as could be understood, was given up by Portugal, though no such important communication had been made to the Parliament of Ireland. Would Ministers assert that grievances had existed, and that they had exerted themselves to obtain redress, without being able to obtain any? Would the noble Lord, who said he was no Minister, instead of saying, "if "Government had tried in vain to obtain satisfaction," take upon himself to assert, that they had so tried in vain, his word would be taken, and the motion need not be pressed; but as the case stood, the House had no information before them of one fact or of the other, either that complaints of violation of the Methuen Treaty on the part of Portugal were grounded, or that Ministers had endeavoured to have the cause of complaint done away. The noble Marquis (of Buckingham) near him had laid the amount of the trade of Ireland out of the balance of the trade between Portugal and Great Britain, and had supposed him to differ in opinion from him, upon observing that he assumed a look of disapprobation at the moment. The fact (he declared) was, he subscribed fully to the fairness of the argument of the noble Marquis, but he could not help expressing some disgust by his countenance, when he heard a distinction taken between Great Britain and Ireland, in a moment when the trade of the empire was the subject of debate. He wished the interest of the two kingdoms to be always considered as inseparable. Having said this, the Duke expressed some surprize at the silence of Ministers, upon a topic so immediately relative to their own conduct. He was aware that the noble Lord, who had risen, that day, to support the Treaty, and justify Ministers, had the chief burthen of Government upon his shoulders, and was a noble Lord of great weight and authority, but as he had himself told the House he was no Minister, consequently he had no responsibility. He could not but think it the duty of Ministers, on such occasions, to speak themselves, or to put the noble Lord, their friend, into a ministerial situation, so as to make him responsible for what he said upon government. Every day since he sat in Parliament, it had been the practice of Ministers to treat both Houses with increased neglect and indifference. The present administration had come into power in direct defiance of one branch of the Legislature. A dissolution of Parliament had followed, and a new Parliament had been chosen, when the administration were in the zenith of popularity; and more popular no administration had ever been, than they were at the time of the general election, from the confidence of the people that their rights and liberties would be pre-
served

ferved, and from an idea that, among other reforms, a reform of the reprefentation of the people would take place in the other Houfe. No fuch reform had, however, been made; and, as to that Houfe, fome perfons had been lately fent there, who, all circumftances confidered, the people, perhaps, little expected to fee elevated to that rank. He was far from meaning to infinuate that the noble Lord was not, in point of ability, information, and fervices, fully entitled to the honours he had received. He fpoke merely of the political conduct which that noble Lord and other noble Lords had thought proper to purfue. The Duke declared his difapprobation of the mode of treating Portugal, by firft concluding a treaty with France, and then difpatching an Ambaffador to Lifbon, to fay to the Court, " I fhall go " away on fuch a day, I muft have your anfwer by that " time—here I hold in my hand the Treaty which Great " Britain has concluded with France, and having formed " fuch a connection, fhe is perfectly indifferent whether fhe " quarrels with you or not." The language of the negociator, would (he obferved) neceffarily be more courtly, but the fact fpoke for itfelf, and its incivility and arrogance were obvious. Having anfwered Lord Hawkefbury's remark about the growth of cotton on our own iflands, and faid that the noble Lord talked of cotton, as if it were wheat, the growth of one feafon only, he concluded, with declaring it to be his confirmed opinion, that fo far from the prefent motion's tending to weaken the hands of Government or embarrafs the pending negociation with Portugal, it would give Government ftrength, and put them on advantaged ground in their negociation with the Court of Lifbon. His Grace apologized for any warmth which he might have betrayed in the courfe of his argument, declaring that his feelings neceffarily led him to deliver his fentiments with fome fhare of animation, but that he always meant to treat their Lordfhips with that degree of politenefs and refpect to which they were, undoubtedly, entitled.

Marquis of Carmarthen

Lord *Ofborne* (Marquis of Carmarthen) rofe next, and faid, that although he was undoubtedly refponfible, when formally called upon, to anfwer for any part of his conduct as a Minifter, yet he did not hold himfelf obliged to rife at the call of any individual Lord, to anfwer queftions or affign reafons for the conduct of Government, unlefs his own judgement ferved to convince him that fome anfwer ought to be given. He always liftened with great attention to what fell from the noble Vifcount and the noble Lords near him, as well as to what fell from the noble Lords who fat clofe by the place from which he fpoke; and he had that day liftened with peculiar pleafure, as a great deal of information had fallen

fallen from both sides of the House. He would not, at that late hour, go into a discussion of topics which had been so fully discussed in the course of debate, and, in his mind, so unanswerably argued by the noble Lord near him (Lord Hawkesbury) but would content himself, as a Lord of Parliament, with declaring his disapprobation of the motion, and appealing to the noble Viscount's candour, to the candour of the House, and of all who heard him, whether, pending a negociation with the Court of Lisbon, the agreeing to such a motion as the present would not tend to hold out to the world an ill-timed want of confidence in Administration, and of consequence throw difficulties in the way of bringing the Treaty with Portugal to an happy and an early issue.

The Earl of *Carlisle* declared that he was glad to find that the *death-like* silence of Ministers was at length broken. The noble Marquis, however, had confined himself to the single point of the expediency of making the motion at that time, without adducing one argument to shew, why it would not be wise to conclude the business with the Court of Lisbon, before they carried the Treaty with France into effect. He animadverted on Lord Hawkesbury's speech, and said, an unfortunate *We* had caught his ear, which induced him to imagine, that, although the noble Lord had taken pains in the middle of his speech to tell them "he was *no Minister*," yet he conceived himself to be in equal power, just as some men fancied when they had one foot in the stirrup that they were seated on the saddle. His Lordship added other remarks. The Earl of Carlisle.

Lord *Sydney* replied to the observations of the Duke of Norfolk, who had remarked, that no statement had been made of the existance of any specific grievance on the part of Portugal; and said, a noble friend of his (Lord Hawkesbury) unless he was greatly mistaken, had stated several grievances specifically, and so had a noble Marquis, who spoke second in the debate. He took notice of Lord Portchester's argument; and assigned as his reason for opposing the motion, that it might do harm, and could not do any possible good. L. Sydney

Lord *Portchester* explained, that the object of his argument had been to state, that the Treaty with France, upon the face of it, put it in the power of Portugal to deliver over that boon to France, which Great Britain had deprived herself of the power of giving France, and that France might easily make up, by a communication of commercial advantages, the difference to Portugal that she would sustain in consequence of breaking off entirely with Great Britain. Lord Portchester.

Lord *Delaval* rose, not, he said, at that late hour, when the House was nearly exhausted, to offer any arguments of Ld. Delaval

his

his own upon the motion, but merely to take notice of what had fallen from other, and particularly from the noble Duke near him, who, in his last speech, had been pleased to reflect on those noble Lords who had lately had the honour of being by the King's favour entitled to seats among their Lordships. He begged to know, whether the noble Duke thought there was any thing in the characters of the ancesters of those lately created Peers which ought to disqualify their successors from holding the honours of the British Peerage. Did the noble Duke mean to insinuate that their ancestors had been stigmatised as persons of suspicious characters, or as persons disaffected to the Government under which they lived. Did the noble Duke mean to infer, "that there was more joy in "Heaven over one sinner that repented, than over ninety "and nine just persons?"——

The Duke of Manchester. The Duke of *Manchester* spoke to order. He contended that the noble Lord was speaking to a matter so foreign to the subject of the motion, that he could not suffer him to proceed without reminding him that it was totally contrary to order, and to the decorum due to that House, for any noble Lord to go into matters of so personal a nature, and which were likely to lead to disagreeable consequences.

The Duke of Norfolk. The Duke of *Norfolk* begged the noble Lord to proceed in what he was going to say. He was so conscious that he could convince the noble Lord of his mistake, that he would hear him out with great pleasure.

L. Delaval. Lord *Delaval* said, that if he had done any thing contrary to the order and decorum of the House, he would willingly beg pardon of their Lordships, but as the noble Duke had been pleased to animadvert on the Peers lately created, being himself one of that number, and perfectly unconscious of deserving any animadversion, he imagined the noble Duke would naturally expect that something should be advanced in their behalf, by one at least of the number.

The Duke of Norfolk. The Duke of *Norfolk*, in reply, declared that he had not had the most distant intention of reflecting on the noble Lord, when he had spoken of persons being called up to the House, whom the people, probably, did not expect to see there; but he had alluded, in his own mind, to the Coalition, which at one time engaged so much of the attention of the public, and had meant to state, that circumstances, at least equally extraordinary, had since occurred.

The question being now put by the Lord Chancellor, with the omission of the word "perpetual" (by consent of the Duke of Norfolk) the House divided:

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Non-Contents 72, — Proxies 9 — 81

The House adjourned.

*Thursday*

*Thursday, 1st March.*

When the Lord Chancellor had taken his feat on the woolfack, Vifcount Stormont rofe and obferved that he meant to call their Lordfhips attention to a fingle point of form; and this was their mode of proceeding in a bufinefs of as much importance as ever called for the confideration of that Houfe of Parliament. The Commons had paffed certain refolutions founded on the commercial treaty with France, and had fent them to that Houfe with an addrefs drawn up in fuch particular and precife terms as to pledge parliament with refpect to their future conduct in the fubfequent ftages of the bufinefs. Such a mode of proceeding was not directly warranted by any precedent, as far as he had been able to difcover. Whenever both Houfes joined in an addrefs to the Throne, upon the fubject of any matter, the difcuffion of which was not concluded in either Houfe, it had always been cuftomary to draw that addrefs generally, and fo as not in any fort to preclude the freedom of future debate. He knew no precedent for fuch a proceeding as the prefent, nor had he heard of any. He had indeed, out of doors, heard of the noble proceeding adopted with regard to the Irifh propofitions; but, that their Lordfhips well knew had been extremely different. In that cafe, the two parliaments of Great Britain and Ireland, being the negociators, the refolutions and the evidence on which they proceeded, had been fent up from the Houfe of Commons, and their Lordfhips were left at full liberty to difcufs the refolutions, to examine witneffes, and to proceed with all neceffary caution; and at length the two Houfes had joined in an addrefs to the Crown, ftating to what length they had proceeded, promifing to pafs fuch bills as to them fhould feem neceffary, and defiring the Crown, as the medium between the two parliaments, to caufe the refolutions to be laid before the parliament of Ireland. How widely different had been the proceeding in the prefent cafe? Why it had been different, he was at a lofs to imagine, fince, there was a precedent on the journals, which feemed to him the precife precedent which ought to have been followed. He meant the precedent of the proceeding upon the treaty of Utrecht. He ftated in what mode the Houfe had then conducted themfelves, and drew a character of Lord Bolingbroke, the minifter in 1713. At that time, an adminiftration upheld by as powerful a faction as ever governed this country, were in office. The minifter early in life gave proof of uncommon ability, and commanding eloquence. By the powers of his oratory, he could glofs over the dark fide of a picture, and cover its deformity fo as to deceive moft men, and miflead

 many,

many. He was of a temper vehement and overbearing, and his paſſion often inclined him to carry all before him; but, ſtill he had, in that inſtance, ſhewn ſo much reſpect for the conſtitution, that with all his perſonal authority, with all the influence of his ability, he ventured not to adopt a proceeding like the preſent. Viſcount Stormont contended, that the Houſe could not bind itſelf by any addreſs, ſo as to abandon the free exerciſe of its legiſlative capacity; and as it was neceſſary to prevent the proceeding propoſed to be adopted from miſleading poſterity, he moved,

" That no addreſs to the Throne, and no reſolution of this " Houſe, can bind this Houſe in its legiſlative capacity, or " bar the ſubjects right of petitioning this Houſe upon any " bill depending in parliament, though ſuch bill be founded " upon and conformable to reſolutions to which this Houſe " has previouſly agreed."

Marquis of Buckingham. The Marquis of *Buckingham* premiſing that the preſent commercial treaty had been nearly five months before the public, and that the treaty of Utrecht had not been more know to parliament, declared that he ſaw no reaſon for objection. He pointed out in what particulars, by the propoſed mode of proceeding the Houſe was ſaved from embarraſſment and difficulty. He obſerved, that he concurred moſt fully with the noble Viſcount that the Houſe could not bind itſelf by any addreſs ſo as to deprive itſelf of the full exerciſe of its legiſlative capacity, or preclude itſelf from a right of voting, as to its wiſdom ſhould ſeem meet, upon any future bill or bills, which might, hereafter be brought in, as a conſequence of the reſolutions, then about to be ſubmitted to their Lordſhips conſideration. As this was a propoſition which no noble Lord, he believed, had the ſmalleſt inclination to controvert or to queſtion, he ſaw no reaſon for their Lordſhips to vote a truiſm, and therefore he would, with their permiſſion, move the previous queſtion.

Viſcount Stormont. Viſcount *Stormont* preſſed the Houſe to adopt his motion, in order that poſterity might learn, that their Lordſhips had exerted that caution in guarding againſt the eſtabliſhment of a precedent, which, upon the face of it, was equally new and dangerous to the conſtitution.

The Lord Chancellor put the queſtion, "That the order of " the day be now read," which operating as a previous queſtion, was carried. The order of the day was read, and the Houſe having reſolved itſelf into a Committee of the whole Houſe, Lord Scarſdale in the chair,

Marquis of Buckingham. The Marquis of *Buckingham* began with beſpeaking the patience of the Houſe, while he proceeded to a detail which (he ſaid) muſt neceſſarily run into a conſiderable length. He proceeded to lay it down as an incontrovertible fact, that it

had

had been the ancient and uninterrupted practice of Great Britain to be connected by a commercial treaty with France, unless when that practice had been broken in upon by intervening wars. He took up the history of our treaties with France in the middle of the last century, and traced it to the treaty of Utrecht, marking all the peculiar circumstances which had occasionally occurred. He next recited the history of the treaty of Utrecht, and the event that followed with respect to the rejection of the 8th and 9th articles of that treaty. He stated that Sir Thomas Hanmer had been the member who moved for the rejection of those articles; but, so conscious was he of the general good tendency of the whole of the treaty of Utrecht, those two articles excepted, that he also moved for an address to the Queen, thanking her for having made the treaty, and desiring that means might be immediately adopted for carrying all of it, but the two rejected articles, into full effect. Commissioners had been appointed for that purpose by the two courts; papers had been exchanged by them accordingly; and the Duke of Bedford, when he concluded the treaty of Paris in 1763, had proceeded upon the ground of those events, and formed his treaty accordingly. He mentioned the preliminary articles of peace of 1783, the definitive treaty of the same year, and the nature of the declaration signed by the Duke of Manchester. He contended, that the Government were bound, in some degree, to negociate a treaty of commerce with France, and he asserted that a more beneficial treaty than the present could not have been made. He entered into a detail of the Tariff, and spoke of the obvious advantages that must result from our having a new market consisting of twenty-four millions of customers opened to us, considering the evident superiority of our manufactures. In some respects, undoubtedly, France would have the advantage, because their Lordships must perceive it would have been impossible to have made a treaty, in consequence of which some advantages must not be given to that contracting party, at whose hands we had received so many; in the glass manufactory (he believed) in respect to the large plate glass, France would successfully rival us; but then, in our cotton manufactory, in our pottery, and our hardware, we should have the most decisive superiority. He applied to the common sense of the House whether France, importing into England her produce, all of them luxuries, and we, exporting to France our manufactures, most of them necessaries, we must not have the advantage in a considerable degree? Families in high life, persons of fortune, and in the superior stations, would consume the imports from France; on the contrary, our manufactures would equally supply the necessities of all descriptions in France, from the prince to the

peasant. While our more elegant articles would adorn the persons of the great, our buttons would be worn in the sleeves of the lower order of the people, and the labourer in France would purchase an English knife to cut his dinner with The Marquis, next, touched on the treaty with Portugal, and contended, that if it should unfortunately be broken off, we might be under no distress in regard to the article of cotton, respecting which so much had been said. Our consumption was sixteen millions of pounds annually, and above half that quantity was supplied already from our own colonies, and so much had lately been planted, that in a very short time, we should be able to supply ourselves completely, which would now have been the case, had not the Island of Tortola been torn from us at the late peace; not that he meant to blame that peace, for his opinion of it was well known. He should ever contend that it had been the salvation of the country, but he mentioned Tortola merely as the Island that had been unfortunately the sacrifice, and some sacrifice, their Lordships well knew, it was necessary to make.

The Marquis now moved,

"That it appears to be expedient, that all articles of the "growth, produce, or manufacture of the European domi-"nions of the French King, which are not specified in the "sixth article of the treaty of navigation and commerce be-"tween His Britannic Majesty and the Most Christian King, "signed at Versailles the 26th of September 1786, shall be "imported in this kingdom on payment of duties as low as "any which shall be payable on the importation of the like "articles from any other European nation."

Earl of Scarborough.

The Earl of *Scarborough* spoke against the treaty, and declared that the boasted advantages of the treaty rather inclined him to doubt of the sincerity of the court of France. *Timeo Danaos, et dona ferentes* was the motto he should always apply to gifts from such a quarter. French manners, French commerce, and French policy, upon the experience of past perfidy, he should ever hold in detestation and abhorrence.

Bishop of Landaff.

The Bishop of *Landaff* said, he had yesterday expatiated a little beyond the immediate subject of the then debate; he had done it with design, and his design was, that he might on that day (one of the most important that the nation had ever seen) take up less of that time which their Lordships could employ so much more to their satisfaction in listening to others than to him: with the same view he would not recur to what he had yesterday advanced, though he must take the liberty of differing from the noble Marquis with respect to the importance of our trade with France in iron and other articles in the time of Charles the Second; and he thought it by no means proved, that France had

made

made so little improvement in her manufactures whilst we had made so much in ours, as to render the trade now decidedly safe, which was then clearly dangerous; but he would not dwell on this point, though it would admit ample discussion; he would take new ground, he would proceed to examine the motives which had induced His Majesty's Ministers to negotiate a treaty with France, and to abandon the policy of their ancestors. But when he spoke of examining the motives, he must be understood to mean only the open and avowed motives, there might be secret ones of more weight and authority than any which he had heard spoken of; and when he considered the enlarged views, the profound policy, the retrospective wisdom, and the prospective sagacity which always ought, and usually did pervade the conduct of princes, and which, he trusted, had on this occasion actuated the cabinet of His Majesty; he was persuaded that there were such; he was disposed to think that the framers of this treaty had a moral certainty that the French, in consideration of it, would never more, either directly or indirectly, disturb us in our possessions in Asia; that they would not by underhand negotiation attempt to rob us of every commercial advantage, every political alliance we had in Europe; that they would not, either secretly or openly, foment dissentions in Ireland. He trusted, that His Majesty's Ministers had a clear foresight, that in consequence of this treaty our navy would not only not be diminished, that was not enough, but that it would be increased; nor was that enough, but that it would be increased in an higher proportion than the navy of France would be increased by our becoming the carriers, in a great measure, of the produce and manufactures of both countries; could this point be proved to his satisfaction, it would go a great way towards lessening his apprehensions of the treaty. He trusted that the persons concerned in forming the treaty, had the strongest expectations that the introduction of our manufactures into France at this critical period would be so far from becoming an incentive to French industry, that it would immediately check and in a short time annihilate their rising manufactures of cotton, cutlery, hardware, and pottery, in which they were so ambitious to rival us. These and motives such as these may have been amongst the primary ones which incited His Majesty's Ministers to negotiate a treaty with France; but as to the ostensible ones, he could see but two of any consequence: one was, a prospect of continuing the peace by opening a commercial intercourse between the two kingdoms; another was, a prospect of augmenting our revenue by extending our trade.

Would to God, my Lords, he said, that the spirit of the Christian

Christian religion would exert its influence over the hearts of individuals in their public capacity as much as, we trust, it does over their conduct in private life, then would revenge, avarice, and ambition, which have fattened the earth with the blood of her children, be banished from the councils of princes, and there would be no more war. The time will come, the prophet hath said it, and I believe it, the time will assuredly come, when nation, literally speaking, shall no longer lift up hand against nation: no man will rejoice, my Lords, more than I shall to see the time when peace shall depend on an obedience to the benevolent principles of the gospel; but whilst it is simply made to depend on the selfish prospects of commercial policy, I can have no confidence in its continuance; it will not last a moment longer than till it is the interest, real or apparent, of France to break it.

Had we forgotten, no length of time would ever obliterate the circumstance from his memory, it even yet rankled in his recollection;—had we not heard, during the progress of the American war, every annual speech from the throne, every monthly dispatch from our minister at Paris (of whose ability to detect hypocrisy, had it been possible to detect it, no one could doubt) announced to this honest, unsuspecting nation the peaceable disposition of the cabinet at Versailles; and yet, when the long wished-for auspicious moment arrived, in which she could most distress us, most benefit herself, with what bold and barefaced perfidy did she break the peace? And shall we even now, whilst we are yet smarting from the consequences of her treachery, become a second time the good easy dupes of her duplicity; it was not a trifling lustration that would in his mind expiate the perfidy of French councils. He admired the French as an intelligent and an ingenious people; he loved them as an agreeable and polite people, but he dreaded them as a great, he suspected them as a negotiating, and he detested them as an ambitious people. Let no man, he said, talk to me of exchanging ancient prejudices for liberal sentiments. He hoped he did not want more than others did, liberality of sentiment in private life; but liberality of sentiment was a complex idea, the component parts of which, when applied to great nations, he could not unfold; before he could begin to think liberally of France, he must learn to forget America. He would not part with his prejudices against France; they were prejudices which had for ages preserved the independence and liberty of his country, and he would carry them to his grave with him; he did not say that France was the natural enemy of Great Britain, but he said more, he believed her to be the political enemy of the

liberties

liberties of every ſtate in Europe; in a word, he could not truſt her. He was ſorry to have occaſion to uſe ſuch plain language; but not to ſuſpect where you had been deceived, was to act with the credulity of a child; not to take warning from experience was to act with an audacious temerity, which no proſpect of advantage could juſtify. He meant to ſay on this point, that how zealouſly ſoever he wiſhed, as a man and a Chriſtian, for the peace of the world, the proſpect of a continuance of the peace with France did not operate on his mind with any force whatever as a reaſon for approving the commercial treaty; there might or there might not be other reaſons for approving it, but this was none. We are at peace, both nations are ſick of war, there wants not a commercial treaty to preſerve the peace, or if there did, it would be inefficacious to the end, ſince every intereſt of France, her landed, manufacturing, and commercial intereſt, would be made to ſtoop to her ambition; this commercial regulation was an opiate by which ſhe wiſhed to lull this nation into a torpid ſtate of confidential ſecurity until ſhe acquired ſtrength, by cajoling ſome, by intimidating other powers in Europe, to ſtrike the blow ſhe had never ceaſed aiming at this country.

He came, he ſaid, to the conſideration of the other oſtenſible motive for this treaty—the proſpect of increaſing the revenue by extending the trade of the country—There was an argument in favour of this point, which in the opinion of many would be concluſive; it was the approbation of the manufacturing intereſt of this country—he ſaid approbation—for when the manufacturers were ſilent, we might be ſure they were pleaſed—*tacent ſatis laudant*;—this argument, he doubted not, would be uſed with great force by the favourers of this treaty; the ſilence of the manufacturers would on this occaſion have a more prevailing eloquence than attended their ſpeech on a former occaſion. It had been remarked, that in theological controverſy the opinions of the ancient fathers of the church were treated with reſpect or contempt, according as they happened to make for or againſt the party; and the opinions of manufacturers on political ſubjects ſeemed to meet with a ſimilar fate; for when they made for us, they were highly extolled; when they made againſt us, they were treated with ridicule and neglect.

No man could have a greater reſpect for our manufacturers, many of whom he had long perſonally known, than he had; he made no queſtion they were able to explain the conſiſtency of their conduct on this occaſion, compared with the line they followed when the Iriſh propoſitions were before Parliament; but to his apprehenſion there was ſcarcely

a ſingle

a single objection to the Irish propositions which did not apply with equal or greater force to this treaty: he would not enter into the detail, but he had read the evidence with great attention which the manufacturers delivered at their Lordships' bar, and he was convinced, that all that was said concerning cheapness of labour, price of raw materials, lightness of taxation, exemption from duties, inefficacy of countervailing duties, facility of smuggling, and other points, was as applicable to the commercial treaty as it was to the Irish propositions; and every one must acknowledge, that the industry, ingenuity, and capital of France was more dangerous to the manufactures of this country than the ingenuity, industry, and capital of Ireland could have been. There was one difference, he owned, between the two countries; our manufacturers were in possession of the Irish market; they could derive no benefit from the Irish propositions, and that was a good reason why they should run no risk; they are not in possession of the French market, and that is a reason why they should run a risk to obtain it. The speculation of pouring at first a large quantity of goods into France was a bewitching speculation of profit; but it did in no degree whatever invalidate the danger of future competition as established by their own evidence.

But leaving the consistency of the manufacturers to be explained by themselves, it was necessary that he should explain his own. He was a friend to the Irish propositions, and he was an enemy to the commercial treaty —Where was the consistency of conduct? clearly in this, that France and Ireland stand in very different relations to this country. He was a friend to the Irish propositions, not from a full persuasion that the arrangements which they held out would not in many instances have interfered with the manufacturing interest of Great Britain, but from a conviction that the wealth, strength, dignity, and consequence of Ireland would primarily or ultimately be the wealth, strength, dignity, and consequence of Great Britain. He was an enemy to this treaty from a full persuasion that it would in many instances interfere with the manufacturing interests of Great Britain, and from a caution that the wealth of France was the poverty of Britain, its strength our weakness, its dignity our disgrace. Aggrandize Ireland even at your own risk, still it is the empire which is made rich and powerful; aggrandize France at the risk of your disadvantage, and you accelerate the ruin of the empire.

The most favourable argument for the treaty (though it was an argument of little force when compared with the unfavourable political tendency of the treaty) was the probability of our trade being greatly extended, and this probability

bability was thought to be converted into a certainty by the acquiescence of the manufacturers. He did not mean to question the judgement of the manufacturers; it was far superior to his own. He did not mean to say that they were actuated by present prospects of gain, and were unsolicitous about future contingent dangers to the state, though, if that was the principle of their conduct, he thought, as manufacturers, they would be justified; for it was out of their province to become guardians of the nation's welfare; but, waving all this, he would submit one argument to the judgement of the House, and he trusted it would be considered as an argument of great weight, in as much as it was derived from the information of the manufacturers themselves.

One of the most intelligent and every way most respectable manufacturers in this kingdom, delivered it as his decided opinion at their Lordships' bar, that it was by our machines, presses, dies, and tools, that the British manufacturers were enabled to baffle all competition with foreign markets, notwithstanding every disadvantage of high price of labour, high taxes, and the other contingent burdens, under which our manufactures laboured, and that in proportion as these tools were exported or copied into foreign countries, our exports of manufactures to those countries would decrease. The Legislature, in conformity to this opinion, enacted a law prohibiting the exportation of tools: now he had it on the very best authority, that, notwithing this law, every tool used at Sheffield, at Birmingham, and at Manchester, mighr be seen in a public building at Paris, where they were deposited for the inspection of their workmen. The person from whom he had this intelligence was one of the most expert manufacturers at Birmingham, and one of the best judges of tools in the world, and he acknowledged with regret, that the intention of the act he had mentioned was wholly frustrated. Thus then stands the argument, in proportion as our tools are copied into foreign countries our exports to those countries must decrease. France had our tools, the conclusion is, she will not take our manufactures. The premises were derived from undoubted testimony, and the conclusion was not illogical.

The value of our iron exports was, according to one calculation, a tenth, according to another, a ninth part of the value of all the other exports of the country, and, it was with concern he mentioned it, in this manufactory of iron the French were at that moment making the greatest exertions. They cast pig iron in Burgundy, and one of our own countrymen, who was related to one of the most distinguished iron masters in England, was said to be associated with the French in that business. They know how to cast cylin-

ders, and to bore them for steam engines, to the full as well as we did. Their cutlery at Moulins was brought to so great perfection, that it equalled the Sheffield cutlery in neatness and taste, and excelled in cheapness; they had large cutler manufactories, in which they had several patterns not known at Birmingham, and some of them more elegant than any there. The importation of our hardware into France, which was looked upon as one of the most favourite features of the treaty, would not, he apprehended, be at present to any great extent; it would soon be nothing; and ere long France, it was to be feared, would import more into this country.

But it may be thought (he had heard it observed) that our great plenty of pitcoal is of itself a circumstance so much in our favour that, though the French might have our tools, and be desirous of emulating us in all our manufactures, they would not be able to stand a competition with us, notwithstanding the cheapness of their labour. This, he said, was an unsafe foundation to build on. No nation ever began to look for fuel under ground, till their woods were gone; and whoever had noticed the strata of earth in France to those where coal was found in England (for it was not found every where with us; he did not know whether it had ever been found under chalk) could entertain no doubt of coal existing as plentifully in France as in England. But if this should be thought the mere reverie of a philosopher, he would substantiate the conjecture by an authority which none of their Lordships who happened to be acquainted with the works of Mr. Hallot would think fit to deny. This gentleman published, in the year 1750, two volumes in 4to on mining; and in the preface to the first volume he had this observation, which he would give their Lordships in English, for he had not kept commerce enough with France to speak their language as a Parisian:—"We find in almost all the provinces "of this kingdom mines of pitcoal, the coal of which is at "least as good as that of England and Scotland, in favour of "which men were so much prepossessed."—Here is a testimony of the most unexceptionable kind, and it is confirmed by fact; the French use coal in the various fabrics which are established in Normandy, in Burgundy, in Languedoc, and in other places; he believed they had lately begun to char it, and to use it in that state in the fabrics at Paris. He had been told that their coal was pyritous and slaty; it was not all so, and that was a fault which would brobably mend as they dug deeper. They imported from this country about 12,000 chaldron a-year, and the importation would increase till their coal-pits got established.

He had touched upon the exertions of the French in the

iron

iron manufactory, and as to the glass manufactory, that, it was allowed on all hands, must be given up, or the excise taken off: Germany, France, and Ireland already undersold us in glass at foreign markets. He did not agree with the noble Marquis in thinking that our plate-glass would alone be in danger. They would import common glass. He would give their Lordships an instance which had come to his knowledge, of the great activity of the French in the most difficult part of this manufacture, in cutting glass. They had but very lately, within these two or three years, made any serious attempts in this business, and he had seen a cut-glass cup, bought at a retail shop in Paris, last summer, for 2s. 11d. in which the workmanship was exceedingly good. One of our best London workmen was ordered, by one of the first cut-glass manufacturers in the kingdom, to cut a similar cup; he did so; and he charged five shillings for the workmanship alone. What the low price of labour will do in other instances may be gathered from what it has done in this. It was quite a mistake to suppose that the French either wanted ingenuity or industry. It was not many years ago since the Swiss printed linens became so fashionable in Paris, that no duties or prohibition could keep them out of that city; the manufacturers of printed linens in Paris foresaw the ruin of their fabric, unless they exerted themselves; they did exert themselves, and they now employ the poor people in that branch, and make as beautiful printed linens as any in the world. He could give many other instances of French enterprise and activity; but it would be needless, no one considered liberally and intelligently how manufacturing skill is tranferred by various accidents from one country to another, but must be alarmed with a serious apprehension even for our home market. Our coarse woollens would be secure, till the French learnt how to manage their sheep properly, but our superfines would be beat out of our home market, or our manufacturers, instead of a mixture of Spanish and English wool, would be obliged to use nothing but Spanish. He had seen Spanish wool manufactured in England to the amount of four guineas a yard, but when our cloths should be made as fine as the French cloths are, they would be sold dearer. He thought not much of their dies; he had seen as good black and as good scarlet died in England as were ever died in France; but it was the hardness of our cloths, compared with the French cloths, which hindered them from taking so good a die. Great quantities of woollens were smuggled into both countries at 14l. per cent.; the duty of 12 per cent. would prevent smuggling; but he had no great expectation that France would be a much greater market than it was at present for our woollens. At

the Treaty of Utrecht our woollens were prohibited: the French woollen manufactory was then in its infancy; since the year 1760 it has been in very high perfection; it feared not now a competition with the English manufactory; and if there had been the least apprehension for its safety, the French ministry would never have suffered the importation of our woollens upon such an easy duty; they would sedulously have protected a manufactory which had been raised at an immense expence, by government, for above a century. We had nothing to hope from the extension of our woollen trade; they might take a few more coarse goods from us, in order to mix them with their own for the American market, and this, he thought, would be a practice they would follow, and much to our detriment in other articles besides our woollens.

But it would be endless, he said, to enter into a detail of all the probable disadvantages of this treaty, and he rather wished to avoid it, from knowing that we could come to no certainty on the subject; for, though it was a fair mode of arguing to oppose conjecture to conjecture, speculative advantages to speculative advantages; though it might be the most satisfactory mode that the subject would admit, yet it was not a mode he was fond of. It was the misfortune of this treaty that we could know nothing of it but from experiment, and in making the experiment we may be undone.

But there was a disadvantage in it which he wished he could call speculative; the loss which the revenue would sustain by a diminution of the duties on wines, &c. He would not enter into any calculation on the subject, it had, however, been calculated, he thought properly, to amount to 300,000 l. a year. There was but one article in which, from the operation of the treaty, this sum could be made up, and, as he had not heard it insisted on, his Majesty's ministers were welcome to the observation, for he had nothing in view but truth. The calculation had proceeded on the supposition that no more wine would be drunk when the duties were lowered than were drunk at present.—This supposition he thought erroneous. He was convinced that for every two pipes of port which should not be imported, three pipes at least of claret would be imported, and the additional duty on that additional pipe would compensate the loss arising from the diminution of duty on the quantity now imported. This was proved by what had happened within these few years in Ireland. When the Irish drank little wine except claret, they consumed near a third more wine than when their Portugal importation was equal to their French one. He thought this country consumed nearer thirty than

twenty

twenty thousand tons of wine in a year, home-brewed and foreign-brewed; and, if but half of what was consumed should be brought from France, half a million of our money, or of our manufactures, must be sent to pay for that article; and he thought they were more likely to take our money than our manufactures; and he had rather our money was sent to any nation in Europe than to France.

Before he sat down he would take notice of two arguments which were generally adduced in favour of the treaty.

It was said then, that as France is supposed to contain twenty-four millions of people, and Britain not above eight millions, we shall open to ourselves a market three times as great as the French will open to themselves; and that this was a solid advantage in our favour. He had been told, that this was the very argument by which the French Ministry endeavoured to prove to us simple Englishmen, the great favour that France was about to do us, and their Lordships had just heard it adopted by a noble Marquis; but, let it be adopted by whom it might, he could not adopt it; it had a specious appearance, but no foundation; to give it any weight, it should be shown, which had never yet been done, that these twenty-four millions of people had as much occasion for our commodities as we had for theirs, and as much money to lay out in purchasing them as we had to lay out in purchasing theirs. It should be shown that they would as certainly clothe themselves with our woollens and cottons as we should drink their wines and brandies; it was not the number of people, but the number of purchasers that constituted a good market.

Another argument in favour of the treaty was built on a foundation still more unsafe.

It was said, that our resources will be increased by an extension of our commerce in so high a degree, that, in case of a future rupture, we shall be more able than ever we were to contend with France.

This argument was of no possible importance, unless it could be shown that the resources of France will not be increased in so high a rate as ours will be; and this has not, and perhaps cannot be shown; but without inquiring how, from the operation of the treaty, the 300,000 l. which he before mentioned as a defalcation in the customs, could be restored, without examining whether, after this sum was made up, the additional increase of our custom, would be greater than the additional increase of the French customs, without discussing the probability of the balance of our trade with France being in our favour now, which the last time it was open between the two countries was so prodigiously against us. Waving all the minutiæ of speculative calcula-

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tion, which nothing but the event could justify on either side, he thought there was an argument, by which it might be shown that this treaty would contribute to increase the resources of France in a far higher ratio than it would increase our own; and the argument was this—England, out of her eight millions of inhabitants, employs five millions in her manufactures; (it was of no consequence to his conclusion whether it was four or five millions). By the industry and ingenuity of these manufacturers, she had not only supplied her own markets, but had constantly drawn from the other parts of the world those sums by which she had acquired her present wealth and strength. When France became a manufacturing country, of her twenty-four millions of inhabitants, she would employ fifteen millions in manufactures, and thus by applying the same means to acquire health and strength that we had done, she would acquire three times as much; and therefore he looked upon this treaty which incited the French nation to become a manufacturing nation, as contributing to increase her resources in a far higher proportion than it would increase our own, and, on that account, he thought it was founded on a very short-sighted policy. But it might be urged, how does the present treaty second the commercial intention of France? Many ways; it seconded the intentions of France in opening to her our home market, which was the richest market in Europe; it seconded her intentions in exciting her own people to a degree of industry and ingenuity, in order to support their present fabrics; and thus was she spurred to her purpose, both by the fear of loss, and the prospect of advantage: but, above all, it seconded her intentions, by giving her every opportunity she could wish for, of acquiring that manufacturing skill, by which we at present surpassed her and all the world.

This, he said, was an injury which we should certainly sustain; and it was an injury of such an immense magnitude, that it was not a few hundred thousand pounds a year, it was not half a million, or a whole million, or any sum which the most sanguine financier could expect from the treaty, in addition to our customs, which could in any degree compensate it. If France shall ever cultivate manufactures and commerce in the same degree that we have done, and that we do, our ruin will be inevitable. There was no policy so good as that which would prevent her from doing so, none so pernicious as that which facilitated her endeavours, and stimulated her exertions in that way, and this treaty did both in a very alarming degree.

He had fatigued, he said, the patience of the House; he would trespass no farther than to say, that he was not conscious

ſcious of having endeavoured to give an undue weight to any thing he had advanced; many, many topics he had, for the ſake of brevity, entirely omitted; he had ſpoken his real opinion as an honeſt man. His ſpirit had ever been too high to enliſt himſelf under the banners of adminiſtration, or of any oppoſition, he would always follow the dictates of his own judgement; and, in caſes where his abilities would not enable him to form a judgement, he would not vote. Any other conduct, he thought, would be a profanation of the holy habit which he then wore. On the preſent occaſion, his judgement was full, clear, decided, poſitive againſt the treaty. If the event of things ſhould prove this judgement to have been erroneous, he would be the firſt to rejoice at his miſtake; the firſt to ridicule, in the future proſperity of his country, the preſent imbecility of his reaſoning.

Lord *Walſingham* obſerved that the right reverent Prelate had himſelf anſwered (his main objection) the argument of the deficiency of 300,000l. in the cuſtoms, by ſtating that it would be made up by the duty on French wines alone. That being granted, it muſt neceſſarily follow that a large addition of revenue muſt reſult from other articles of import. Lord Walſingham declared that the noble Marquis who opened the debate went ſo fully and ſo ably into the whole of the argument, that he had ſuperſeded the neceſſity for him to ſay much. The noble Marquis, however, having cleared the ground for him, he would take the liberty of ſtating a few ſtriking particulars, which would, he conceived, fully eſtabliſh, to the ſatisfaction of their Lordſhips, the very great advantages which muſt neceſſarily reſult from the whole of the treaty. His Lordſhip then, went through the whole treaty, accompanying what he ſaid, with hiſtorical remarks and illuſtrations. Lord Walſingham.

Lord *Forteſcue* ſupported the treaty as a meaſure obviouſly beneficial to the country; and in no reſpect more ſo, than in its reſtoring to Great Britain a large deſcription of ſubjects who had long been eſtranged from it; and who compoſed a numerous body of men, who had, for years lived by carrying on the buſineſs of ſmuggling, and who having been bred to the ſea, might, after the treaty was carried into effect, earn their living with credit and ſafety to themſelves, and with advantage to their country. Lord Forteſcue.

The Earl of *Hopetoun* gave his reaſons for ſupporting the treaty, and among other obſervations, declared, that he hoped the conſequences would be laſting amity and friendſhip with France, whom he never wiſhed Great Britain ſhould have occaſion to meet in the field again, ſword in hand. He declared, that he ſhould be ready to vote the thanks of the Houſe, to Miniſters for having made a treaty ſo beneficial to their country. Earl of Hopetoun

Viſcount

Viscount Stormont.

Viscount *Stormont* spoke against the treaty. His Lordship adduced various new arguments. Adverting to the excellence, ingenuity, and skill of our manufactures, he confessed that he laboured under an obvious disadvantage. He spoke *of* the Athenians *to* the Athenians, and undoubtedly as the House participated in the fame of British manufacturers, they liked to hear them praised. He observed, that as his sentiments on the subject (he feared) would not meet the approbation of the majority, he would shelter himself under a great name (that of Lord Bacon) who, in his history of Henry VII. said, that Prince "first bent the policy of this country from profit to power." This was a maxim he wished to impress on their Lordships' minds. If we sacrificed to profit, and lost sight of power, we mistook our situation, and must forego all pretensions to being deemed a great nation, the holders of the balance of power in Europe! He contrasted our characteristic with that of Holland. The avowed object of that Republic was profit solely. We should be senseless ideots if we aimed at so base and so abject an attainment. His Lordship said, that he would speak to the treaty in its two different points of view, as a commercial treaty, and as a treaty of navigation; and first to the commercial objects. He urged a variety of reasons why he thought the advantages precarious and doubtful. With regard to the cotton manufactory, he stated, that there were already two of Arkwright's machines erected near Rouen. There was little doubt, therefore, but the French might in a short time rival us in that manufacture of which we now thought so much. In regard to the tendency of the treaty in respect to our navigation, he pointed out the 40th article (that respecting the neutral code) as particularly and highly objectionable. He also mentioned the articles allowing the carrying of ship's masts, yards, &c. &c as likely to cripple this nation considerably in time of future war. After going through the treaty he turned his argument from the measure to the conduct of the Minister. When he first came into office (he said) the eyes of all Europe had been upon him. Public expectation was greatly excited, because his early display of uncommon talents gave mankind to look for much indeed. It was natural to regard young men, whose first outset in life had been splendid, as objects of considerable expectation. This was the case with respect to the present Minister. All the world had heard of his extraordinary bursting forth into a political situation, rarely intrusted in the hands of youth, and all the world hoped that the fruit would have proved equal to the promise of the blossom. What was the result? Inquire in any foreign court, and the answer would be, the Minister of England is entering into a close alliance with France; with France, the natural rival, the ancient foe

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to the greatneſs of this country, who amidſt fluctuating adminiſtrations, had diſtinguiſhed herſelf by uniformity of counſels, and uniformity of enmity to Great Britain! Let noble Lords weigh the words, and they would be judges, what all Europe thought of the Britiſh Miniſter. His Lordſhip followed theſe with a variety of other arguments againſt the treaty, and inſtanced the fortifications at Cherbourg, and the treaty of France with America and with Ruſſia, as (what he termed) not very ſtriking indications of the ſincerity of friendly profeſſions towards this country.

Lord *Hawkeſbury* begged the attention of the Houſe for a few obſervations on what had fallen from the different noble Lords, who had ſpoken in the debate. He began by taking notice of Viſcount Stormont's quotation from Lord Bacon, relative to Henry the Seventh, and ſaid that he was at a loſs to imagine where he was to look for any traces of the trade of this country before the time of Henry the Seventh; for though that Prince laid the foundation for the future commerce of the country by removing difficulties, which had till then oppoſed themſelves in the way of trade, we certainly had no commerce prior to the time of Henry VII: for ſo far from it, that we, in that reign, even ſent our own wool to Flanders to be worked and manufactured. In reply to what Viſcount Stormont had ſaid of the Miniſter, as ſpoken of in foreign courts, he declared he knew not ſo much about foreign courts as the noble Viſcount, nor of what was ſaid of the Miniſter abroad; but what he conſidered as better, he knew what was ſaid of him at home. At home he was almoſt univerſally revered and admired as a young Miniſter, who, in three years did more for his country than had almoſt ever been known; he had raiſed taxes on the ſubject, not only ſufficient to provide fully for the juſt demands of the public creditor, but alſo a ſurplus large enough to appropriate a million annually, to be invarriably applied to the diminution of the national debt, and he was now employed in the conſolidation and ſimplifying of all the duties of the cuſtoms and exciſe, to the great eaſe and accommodation of the merchant and to the certain increaſe and ſecurity of the public revenue. The treaty did not deprive us of the opportunity of making any alliances whatever; it did not prevent us from entering into other treaties; it merely promiſed a moſt uſeful extention of our trade, by enabling our manufacturers to carry their manufactures to the market of France. He reminded the Committee that France, from her ſituation, being bounded by Spain, by Italy, by Germany, and by Flanders, promiſed to prove the medium of extending our commodities, and our manufacture, to almoſt all the European world. He inſtanced the caſe of Flanders, the balance of trade with which had been ſtated the preceding day by, the

Lord Hawkeſbury.

Bishop of Landaff to amount to 800,000l. He asked if noble Lords thought the consumption of Flanders was equal to that amount? Certainly not. The largeness of the sum was owing to the different countries to which our manufactures found their way through Flanders. He mentioned the high duties which had, till lately, been imposed upon our manufactures in almost every country in Europe, as if the nations of that quarter of the globe had entered into a combination to defeat our deriving that advantage from the industry and ingenuity of our manufacturers, which we had a right to expect. He followed these arguments with others of a similar nature, and replied to several parts of the Bishop of Landaff's speech, and to what Lord Stormont had said, upon the 40th Article and upon such parts of the treaty as related to the navigation of the country.

The Marquis of Lansdown.

The Marquis of *Lansdown* rose next, and said, my Lords, the words of the preliminaries bind to nothing, as they go only to name Commissioners to inquire into the state of the commerce between the two nations, in order to agree upon new arrangements, upon the footing of reciprocity and mutual convenience. They point at nothing in particular, and consequently any thing or nothing might have been built upon them. But he had no hesitation to say that he had a farther view in them; and that view went to the full extent of the principles contained in the present treaty, and perhaps farther. They were principles upon which his mind had been long made up, and, so far as regarded himself, he was entirely ready to have carried them into execution, and to have stood against any consequences that might have ensued. But he felt a deference due to the Public at large, and particularly to Parliament, who had been in the habit from the most antient times of advising the Crown in matters of commerce, and who, in right reason, were entitled to it. There was a sound and evident distinction between treaties of a mere political nature and treaties of commerce. The one required secresy, and a knowledge of many particulars, which might be confined to Ministers and Cabinets; the other was a matter of a more general concern, and in which the people at large were commonly, at least in England, more instructed than Ministers. He was likewise apprehensive that it might have been attempting too much at a time, and embarking too much on board the same vessel; and he rejoiced that he had done so, when he reflected what might have been the fate, considering the angry disposition of the moment when the preliminaries came under consideration; when prejudices might have been excited, and the best commercial plans, that could have been devised, defeated. He, for these reasons, thought it better to be content to sow the seed, that

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who would might reap, having the precaution to leave them as little hampered as poſſible; ever ready to pride himſelf upon having done ſo, and acknowledging that he had had ſeveral confidential converſations with the French Miniſter upon the ſubject. But he thought it more wiſe to have it ready to be proceeded upon by any future Government, ſatisfied with having put it into ſuch a train; and that, if the completion and execution of the meaſure fell into any decent hands, it could not poſſibly fail of being ſucceſsfully perfected. He declared therefore that the treaty had his entire approbation as to its general principles of interchange of commodities and low duties.

His Lordſhip now proceeding to the principal ſubject of conſideration, obſerved that the preſent queſtion turned upon two capital points; 1ſt, Is the old commercial ſyſtem to be changed as totally erroneous? 2d, Should France, for any political reaſon, make an exception in this change? There were, beſides, a variety of queſtions infinitely important; ſome of which he ſhould take notice of; but which certainly might be omittted or rejected under theſe two great fundamentals.

The firſt fundamental queſtion, whether the old ſyſtem, is erroneous, required very little diſcuſſion. In fact, truth had made its own way. Commerce, like other ſciences, had ſimplified itſelf. There was no ſciences that had not done ſo. A right reverend Prelate had ſaid that our commercial ſyſtem required no alteration, which, with great ſubmiſſion, he thought could not be ſaid of any thing; and, if the queſtion was put to him, he believed he would not ſay it of the church. It was unneceſſary to define the progreſs of the change. A great Miniſter in Holland firſt opened the eyes of modern Europe upon commercial ſubjects. Men of letters in different countries contributed their aid to develope and extend the principles of free trade. Miniſters of the firſt eminence in a neighbouring country adopted and puſhed them ſtill farther, more or leſs as ſuited their different views of conſidering the ſubject. The old calculation, ſo much dwelt upon by the right reverend Prelate, gradually became exploded; and the idea of eſtimating the balance of each trade was given up. An ingenious modern author had made the idea perfectly ridiculous, by balancing the ſums ſtated by Mr. Necker and Mr. Grenville, againſt the mines of Mexico and Peru. But at this moment what reduced it to a mathematical certainty, was the experience of the laſt war with America, the inſurance on ſmuggling, and the ſentiments of the manufacturers.

It was a proud thing to ſee the manufacturers of this country, (and gave a moſt immenſe idea of the trade and wealth

of Britain) when they agreed to risk the home market, (that ready-money market which they so much dwelt upon about the Irish propositions) and go from home, and venture to the coming perhaps with one eighth of the advantages of many commercial countries of Europe. As to what had been said about the fathers of the church, who, like the manufacturers, were supposed to be good or bad authorities, as they favoured or opposed the sentiments of those who quoted them, he conceived the case admitted a short and clear distinction, which ascertained, beyond a doubt, where manufacturers were to be trusted, and where they were not. When they came about a home market, they were objects of jealousy and control. When about the freedom of a foreign market, and opening a trade, or extinguishing prohibitions and high duties, they were objects of protection and unlimited confidence, with the exception of particular men looking at particular objects. As to the difference between their language respecting the Irish propositions and the French treaty, he accounted for it clearly thus; that it was not worth their while to risk their home market for the supply of two millions and a half of the people, great part of which they had already supplied legally; whereas the case is otherwise respecting twenty millions, a small part of whom they supply only illegally.

A right reverend Prelate had, he observed, talked of having the honour to know several manufacturers; he would not talk in that style, because he was not the man to flatter any body of manufacturers, or to court them for the sake of popularity, or any such idle purpose; he despised the idea; but at the same time he was ready to do justice to the manufacturers of the kingdom; to acknowledge that they were ingenious and intelligent men, and to do what it behoved every one of their Lordships to do, to converse with them freely, and by that means the better to enable themselves to do their duty in that House. The manufacturers, he said, would naturally come to them, instead of its being necessary for them to go in search of the manufacturers; and the reason was obvious they would come for their own purposes; their interest would oblige them to do so, and much good would necessarily result from the communication. When he looked at the commercial treaty, he said he was proud of the conduct of the manufacturers; a conduct which their silence testified so greatly to their credit, and so highly to their honour. The body of English manufacturers had proved themselves to be men of sense and understanding, men of enlightened minds, who saw the treaty in its true light; men who were upon a footing with even the French Ministers, and knew the drift tendency of the treaty as well as they did. Any man

he repeated it, might be proud; nay, he would go farther, this country might be proud, that her manufacturers in a body came down from their ſtrong holds, fenced in as they were by prohibitions, and mixed with the world: in that they reſembled the conduct of a deſpotic prince, who, being above narrow prejudices, diſbands his army, diſmiſſes his garriſon, quits his fortification, comes down from his throne, and walks into Council, placing himſelf on a footing with the Council Board, and truſts entirely to the powers of fair reaſon and argument, rather than to the dread of his ſtrength. In like manner, the manufacturers, ſeated as they had been on the throne of monopoly, had generouſly deſcended from it; and ſeeing the true policy of the meaſure, conſented without a murmur to give up all their prohibitions, to meet the foreign manufacturer in his own market, to travel abroad with their manufactures, and to bring home wealth in one hand, and revenue in the other.

So much for the firſt fundamental point. The ſecond will ſcarcely take up more time than the former.

The ſecond fundamental point is, whether or not is France to make an exception to our change of ſyſtem for any political reaſons? The aſſertions in ſupport of this, he ſaid, appeared the moſt extraordinary poſſible, and were, he conceived, totally without reaſon. As,

Firſt, That France had always been inimical. For, ſearch hiſtory, and there could be nothing leſs founded. Old times were not worth recurring to; they contained feuds and continental wars for French provinces, none of them Britiſh or inſular; in fact, wars of the Dukes of Aquitaine and Normandy againſt their ſuperiors and vaſſals, and not the wars of our proper King. The ſituation of things might be ſaid to expire with the delivery of Calais in Queen Mary's time. What happened afterwards? Queen Elizabeth, a model of wiſdom, always valued the French alliance as much as the French did hers. The Stuarts ſucceeded, who go for nothing, though perhaps unjuſtly charged with too much attachment to France; for if Charles and his Queen had attended a little more to Cardinal Richelieu, and James the Second a little more to Louis the Fourteenth, we might have been without our preſent conſtitution. After Queen Elizabeth, the next inſtance was Cromwell; no Frenchman ſurely, and yet, like Queen Elizabeth, in alliance with France. In more modern times, a very different perſon from either Queen Elizabeth or Cromwell, namely, Sir Robert Walpole, during his long adminiſtration, maintained a conſtant good underſtanding with France. On the other hand, it muſt be allowed, that King William adopted a very different ſyſtem; but as there may be ſpots even in the ſun, with all

poſſible

possible admiration of King William, it must also be allowed that his foreign politics did not make the brightest part of his character as an English King. His conduct was governed by personal aversion to Louis the Fourteenth, and early, and perhaps justly, imbibed prejudices, if they can be called so. But it must be fairly urged in his defence, that he at this day would not probably adopt the same line of politics. France is not the same France, Europe is not the same Europe. In fact, they are as different from each other as Louis the Sixteenth is from Louis the Fourteenth. The one was a lover of glory, the other of justice; the one is mild, the other ambitious; the one fought foreign conquest, the other to improve, and render his people more virtuous; and the one disturbed the peace of Europe, as much as the other wishes to compose it. But besides this, whoever has travelled in France, knows that its public opinion, (which happily governs at present in all enlightened countries) is totally changed. A spirit of individual, as well as general independence, prevails; the rage of serving in armies is abated; men enjoy consideration, independent of the Court or of the Minister, perhaps greater than either can confer; fundamental principles are established, which pervade every country, and rise from the natural rights of man, without regard to past or present governments, and which men have a right to claim and insist upon in all climates and in all situations; and above all, that abominable absurdity of going to war, for the sake of Court caprices, or any additional territory or trade, becomes every day more and more exploded. This may serve to refute those, who maintain that France has always been, or is likely to be, hostile to this country.

The second assertion under this head, (to prove that France should make an exception in our commercial changes) is, that France has always pursued an uniform plan. With all possible justice to the French character, he could not find more uniformity in their character than that of most other nations, much less any continued system against England. Marechal Tenquieres, in one short chapter, shews that there was no great system in all the wars of Louis the Fourteenth. Marechal Berwick shews, that there was no great disposition in Louis the Fourteenth's time, and still less in the Regent's, to take advantage of very favourable moments to distract this country. Marechal Villers confirms the same. As for the war of 1741, it is very well known that it was the senseless opposition of that time that brought Sir Robert Walpole into it against his own conviction; and Cardinal Fleury, though he certainly deceived Lord Waldegrave, was heartily sorry for being obliged to do so, as appears by all the dispatches. And as for the two last wars, the

first

first in 1754, he was satisfied from the principal persons now dead; and Cardinal Berni, whose magnificence and liberal manner of living now at Rome makes him equally accessible to English as well as French, would confirm it to any one referring to him, that there was no plan in France; and their not being prepared to meet us, made it evident. As to the last war, it was too recent to go into it, as it would naturally lead to personality, which he would wish to avoid; but it might be said, that flesh and blood could scarcely withstand it, after the defeat of General Burgoyne, considering the old commercial prejudices. So much for the French uniformity of Counsels, and their constant deep-laid scheme of destroying this country; which is made the second objection for excluding France from a more open commercial intercourse.

Another and third assertion is, that France is our natural enemy, and never can be otherwise. In the first place, they have no long frontier; they have no claim upon us; and, if we have a natural enemy, it is only the unhappy Prince abroad. But, in fact, there is no such thing as a natural enemy, except the power that keeps 300,000 men with a view to conquest, and not as a principle of defence. These are the enemies of mankind, and merit all Europe to join against them. Let nations aggrandise themselves as much as they will, so as they do it not by grenadiers. This country of all others is made to be the model of good policy of every state in Europe, to originate peace, and to inculcate the principles of peace. It is ridiculous to talk of holding the balance, and in the same breath to throw ourselves a dead weight into one of the scales; and it can never be otherwise. If to-morrow the imperial Courts and Prussia should join to give laws to govern Europe, will any man say that the liberty of Europe would not depend on the junction of France and England? But the case has actually happened. The scandalous partition of Poland, which, if kingdoms are to be judged hereafter like man, one would think must meet with condign punishment, to what was it owing? to this very prejudice. And there was nothing gave him more concern than this, when he went out from being Secretary of State in 1769; it being his full intention at that time to have proposed to the King of France a confidential as well as an open connection with Great Britain, to have prevented that reproach to Europe.

It is a fourth assertion against the commercial treaty, that it is a submission to France. God forbid he should be to submit or lower his country for a moment to France or any kingdom. He of all men could not be subject to such a tendency. His conduct about Corsica sufficiently evinced the

the contrary. He allowed alſo, that taking the rudder off from a ſhip of war at Faulkland's iſland by the Spaniards, ſhould have been taken up in a higher line. As to Cherbourg, he thought that repreſentations ought to have been made with regard to the works going on there; and that it might have been done in prudent, wiſe, and proper terms. In his own experience, where he had found one repreſentation ſucceed on the ground of right, he had found many ſucceed on the ground of good ſenſe and common intereſt. He inſtanced what had paſſed about fortifications on Turks Iſland; and on the other ſide about Corſica, which he had every hope would have ſucceeded, and in the very laſt treaty of peace about Dunkirk. The ſame reaſoning might very properly be applied to Cherbourg, as well as ſtill more powerful reaſoning, applicable to the general views of France, which might very clearly prove, that this at leaſt was not a well-choſen time for ſuch an undertaking. But one language was proper for one time, and another for another. And was it not probable that any remonſtrances would be attended to much more after a commercial treaty than before? Not only in France, but throughout Europe, when we had the field before us, and the cards to play, without making the diſcovery of ſo capital a datum as a conſtant enmity to France?

So much for the two grand fundamentals; now for leſſer, though important, conſiderations.

Firſt, it may be ſaid that more might have been obtained. It is the moſt difficult point poſſible to aſcertain this in any negociation. Every body has their own ideas, their own methods of carrying on a negociation; which might have been right, or more or leſs ſucceſsful, according to circumſtances. He was free to own, that what floated in his mind was ſomething of this ſort; to have admitted article for article, all manufactures, where the firſt materials were equally attainable, any momentary ſuperiority under ſuch circumſtances being of no account in negociation. Some unreciprocal articles remained on both ſides; wine, brandy, vinegar, and oil, on the ſide of France; coals, lead, and tin, on ours. Theirs are luxuries, which we can get elſewhere; ours are neceſſaries, which they cannot get elſewhere to equal advantage; we had conſequently a right to expect an equivalent for both. There was, beſides, the political tendency of the treaty, in doing away prejudices, &c. which manifeſtly in the end tends to double the force of France, by putting her at eaſe; compenſation therefore was due for three points; and he frankly owned, what occurred in his mind was, firſt, to get ſome advantage in point of navigation, and to have ſaid ſomething of this ſort to France: in proportion as we give you land, you muſt give us ſea.

Secondly,

Secondly, something might have been decided in the case of India; for which a great deal might have been said in a reasonable way, which he should not then enter into, nor go at present farther, than to say, that he heard, with great concern, that a treaty had been so far advanced, as to have been settled on our side, and happily rejected through some private interest of theirs, which militated against every principle of politics, commerce, and finance, without obtaining one advantage to this country in lieu, and which seemed calculated to overturn the whole policy upon which the preliminary articles were calculated. But whether these ideas were right, being the floatings of his own private mind, or whether they were attainable, it was impossible to say. He liked the expression of the Duke of Marlborough, who said, when he heard persons finding fault, "I find many very ready to "say what I ought to have done when a battle is over; but I "wish some of these persons would come and tell me what I "ought to do before the battle." Besides, the function of Parliament went to consider the main point; and not the more or the less, which must depend upon hazard; and was rather a subject of private consideration, and of speculation out of doors, than of parliamentary cognisance.

There was a third query respecting Portugal, to which the answer appeared, he thought, very simple. That under this treaty we had no disagreements, full scope being left to fulfil the very letter of all the engagements we had with Portugal. These abuses were treated as trifling; but it must be by Lords who had never read the account of them, or heard it stated; he had himself great reason to know the contrary. When he was Secretary of State in the year 1767, they were then so enormous, that he changed the Minister on that account, and sent a relation of his own as Consul General, instead of sending him an Envoy elsewhere, being determined to get them redressed. He was shocked, however, to find the subject kept dormant, till he came again into office in the year 1782, when they were to be resumed with the disadvantages attending Count D'Oyeras' death. In his conscience he believed, from what he knew of that slow, though respectable Court, and our mode of proceeding hitherto at home, that nothing short of this treaty would redress them. It was inconceivable to any body, who had been much in great affairs, to think that one department should, for thirty years together, be making the strongest representation that words could dictate, and another department be loading the same country with fresh indulgences unasked: such was the case in England of the Secretary of State and the Treasury; the latter of whom even in the last year, as their last regulation, gave a half advantage to Portugal in-

stead of a third. Under these circumstances, it was not surprising that Portugal should feel its way, and break through one privilege after another. First, by attacking our residence in Brazil; secondly, our advantages stipulated in regard to our navigation; thirdly, embarrassing the residence of our merchants at Lisbon; fourthly, taxing our woollens without regard to the express words of the Methuen convention; and, fifthly, taxing the very wines of their own growth, finding their monopoly so confirmed, that the tax was sure to be more than repaid to the Portuguese grower by the British consumer, their whole export consisting in a manner in wines. Applying all this, it was not supposeable that Portugal could in a moment leave this country in earnest. They had managed well hitherto, by a succession of able Ministers, which they kept here well instructed for the purpose; such as Count D'Oyeras, too well known to be mentioned; Monf. Mello, now Secretary of State in Portugal; and Monf. de Pinto, the supposed successor to that post; and a more respectable one could not be. But the Court of Portugal, (for whom he desired to be understood to speak with high respect and esteem, as well as for the country at large, which had been the parent of such great men, and such important enterprises) the Court of Portugal was in its senses. Their market was valuable to us; but there were more nations in Europe that wove woollens than drank Portugal wine; and though he was free to acknowledge the harbour of Lisbon was of use to us when at war with France and Spain, yet, without boasting of what had passed, we were rather of more importance to Portugal under circumstances which he did not see might not occur again; but he did not wish to dwell upon these points; the interests were reciprocal, and he wished them to be considered as such.

Fourthly, the acknowledgement of the neutral code found in the treaty was another matter of particular discussion. He was totally astonished at seeing such an article, and knew not how it could come into the imagination of persons who had the least acquaintance with the law of nations, or of the interest of England in particular, or the passages of the five last years. It was a subject that had been repeatedly examined, discussed, and decided; it was positively refused to Russia, even in a moment when we were under the necessity of doing, what he hoped we should never be again, of courting her alliance, or that of any other power. He considered it as one of the most material points gained in the late treaty of peace; the putting an end to the Dutch pretensions in regard to it. It was not his business, but he flattered himself, the more the preliminaries were examined in-

to, the more it would appear that this and other omiſſions were more important than many ſtipulations might have been. He did not chuſe to quote particular things that paſſed in the negociation; but he was authoriſed, he thought, in giving it as his opinion and conjecture, that it was a point the French would never have inſiſted upon. He would not admit, that, by the preliminaries, Miniſters were bound, in drawing the articles of the commercial treaty with France, to copy the commercial treaty of Utrecht. Leſs antiquated language, and articles more ſimplified, and drawn in a modern ſtyle, would have been better; and inſtead of any thing that ſhould countenance this novel doctrine, brought forward in Europe by the Northern Courts, he ſhould rather have expected that the claims under it might have been jointly extinguiſhed by France and us. Without betraying any private, or ſo much as referring to any converſation, it was ſufficiently notorious, that it was not the intereſt of either country to ſuffer new marines to ſtart up and grow too powerful. Hitherto, at leaſt, theſe were politics that ſeemed to govern the Court of France relative to Ruſſia; however, the generoſity and affections of England might have induced her to act otherwiſe. In fact, the neutral code ſtruck at the diſtinguiſhing ſort of England, that power which more particularly belonged to her. As to the plea that it would ſignify nothing, and was futile to urge the common intereſt we had in this with France, becauſe France and England were always to be at war together; he could not accede to it, as it was contrary to all the reaſonings reſpecting the diſpoſitions of France, that at leaſt he had gone uppon, in juſtifying the preſent treaty, as tending to produce peace. Heartily concerned therefore as he was, that the article appeared in the treaty, he hoped that no mention would dare to be made of it in another, without the advice and ſanction of Parliament.

A fifth circumſtance reſpected Ruſſia. Though he could never agree with many Lords, who ſuppoſed that it ought to be a conſequence of this treaty, that France was to ſacrifice its political intereſt to ours, up and down Europe in conſequence, wherever they might claſh, as poſſibly they might do in Holland and elſewhere, or that ſhe muſt forbear making commercial treaties that might be advantageous to her, as with America; yet he muſt own, that he thought it ſcarcely fair in France, the moment ſhe had concluded with us, to go and purchaſe a commercial alliance with Ruſſia, with the ſacrifice of a point which ſhe knew we had refuſed to Ruſſia, and which was ſo directly repugnant to our fundamental intereſts. It made him lament ſtill more, that this ſituation was not foreſeen as it ought to have been, and pro-

vided against, if possible, by our negociators in the French treaty.

The articles of the treaty were open to a sixth remark; as one of them (the seventh) appeared totally unintelligible; a mere jumble of words, without the possibility of drawing any meaning from them, and least of all, that given by Ministers; he hoped therefore to hear some better explanation than had hitherto been given of the sense of those very obscure words.

Ireland made the seventh and last article he should touch upon. It appeared scarcely credible that we had no settlement either made or in view with France; it was idle to talk of the Irish propositions having been made and rejected, and that therefore nothing was to be done. If this language had been used, he hoped never to hear it again; it was much too humoursome to use towards a great country. If Ireland was an independent country, Ministers were bound to treat the Public and Parliament of Ireland as they would those of Great Britain. If a Minister were to tell the Public and Parliament of Great Britain that they did not know their own interest, and must abide the consequence, he must be looked upon as infatuated. He hoped therefore something would be done without delay, as it was inconceivable that Ireland ought to receive any favours from France greater than those shown her by Great Britain. He trusted the old propositions would be simplified, and passed without delay, and without being mixed with any point of politics, particularly with that to which the sense of Ireland proved so totally averse; namely, obliging her of necessity to adopt implicitly all our farther acts of trade.

As for the danger that would attend the capital, which would be lodged in France in case of war, it was sufficient to answer that the French were not a nation of Moroqueens and Algerines.

As for the hovering acts, he did not feel it incumbent upon him at least to be very anxious respecting them, as he hoped to see the day when they would be rendered almost totally unnecessary, by the trade being made still freer than it was left by the present treaty.

But there was one capital objection, which, in most discussions on this occasion, came in aid of all other objections; namely, that we should rue the consequence; and it would be seen that France would flourish, and we should suffer by the present treaty. Whether in future France or we should flourish most, it was difficult to say. If we continued under a perpetual fluctuation of administrations, and in consequence of systems, as we had done for many years past, and France continued under one system and one administration;

if

if we continued in our system of corruption, and considered it as the only means of Government, and she followed the measures which it was reported she was about proposing, to root it up, (aided by the determination of the King to discountenance it wherever it appeared, and where it could be so much as traced to have happened ever so far back, marking the parties with his highest displeasure); if they took the part of great measures, and we pursued little ones, there was no doubt which country must flourish and which decline. But he was not afraid to say, knowing the natural liberality and benevolence of English minds, that he should think it the duty of every man, of every citizen, to rejoice in the prosperity even of a foreign country, produced by such fair and honourable means. If any man had the misfortune to find he could not govern his own family, or free it of the corruption and vice that prevailed in it, he must be base indeed if he repined at seeing a neighbouring family virtuous, well ordered, and happy in its children, its fortune, and servants. The same reason applied in the strongest manner to the two countries; and he would venture to prophecy, if this country declined, it will not be on account of this treaty; and whoever voted for it, would find no difficulty in accounting for such decline by some of the causes he mentioned. Prejudices might attribute it to a wrong cause; but it behoved every man to set the public right whenever the time came. If we went on rotting in our corruption, and sacrificing the army, the church, and the State, to the paltry purpose of procuring a majority in both Houses, abusing each other, talking of a coalition, and such stuff and nonsense, we could neither expect to be prosperous, wealthy, nor powerful.

Under these convictions, he was strongly for the treaty, persuaded that the principle carried transcendent benefit with it, whatever opinion he might have as to some of its particular clauses; and his Lordship concluded with declaring that he should vote for the resolutions.

Viscount *Townshend* assigned his reasons for thinking that Cherbourg would not prove of the service to France that she might expect. He compared Cherbourg with Dunkirk, and contended, that there was an essential difference between a deep-water harbour, and a harbour formed by projecting points, which an enemy can cruize across, and command as she passes. He expressed himself at any rate adverse to His Majesty's ministers remonstrating with the Court of France on that subject just at present, as the doing so would frustrate the completion of the negociation of the commercial treaty, which (he was happy to know) was likely to be well received in Ireland. He hoped, therefore, that it would prove Viscount Townshend

a means

a means of making the country some amends for the failure of the propositions. As he considered the bill in the light of a bill of experiment, and thought it on that ground unobjectionable, he declared, that he would vote for the resolution.

Earl of Carlisle.

The Earl of *Carlisle* rose to thank the Marquis of Lansdown, for having afforded the House that information which they were unable to collect from the silence of ministers; and intimated, that, in his opinion, at least, the nature of the grievances which the merchants had to complain of against the Court of Portugal, appeared to have been so trifling, that if ministers had treated Portugal like a spoilt child, and frowned a little, it would have come to itself and behaved better, without the necessity of more violent correction. As the noble Marquis had advised ministers to be silent respecting Portugal, he had ventured to assure him, that they had no occasion for his advice; because it was very rare indeed that they broke silence on any occasion. He animadverted on the Marquis's manner of speaking of France, and said, something of the style of mentioning that kingdom had gotten into debates in both the Houses, and even into the mouths of ministers; and that it seemed to have been selected out of the novels of a circulating library, or out of sentimental comedies.

Marquis of Lansdown.

The Marquis of *Lansdown* thanked the noble Earl for having endeavoured to correct him, but begged leave to set the noble Earl right; and appealed to their Lordships whether he had paid so respectable a kingdom as Portugal so bad a compliment as to compare it to a spoilt child, or whether he had said that the grievances we had to complain of were trifling. On the contrary, the Committee could witness that he had stated them to be weighty and momentous, and that he had assigned, as one reason for his approving of the present commercial treaty with France, his conviction, that without this treaty in their hands, ministers would not be able to obtain that redress from Portugal which this country had a right to expect. The Marquis spoke in commendation of the present Portuguese minister, and the Court of Lisbon; and before he sat down, answered the Earl of Carlisle's declaration, that some expressions applied to France, appeared to have been selected out of sentimental novels, or sentimental comedies. He assured the noble Earl, that he never wrote either, but he entertained a profound respect for those who had exercised their genius on that branch of composition.

Earl of Carlisle.

The Earl of *Carlisle* thanked the noble Marquis for having fully stated the real nature of the complaints which remained to be redressed by the Court of Portugal.

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The Chairman put the queſtion, and the Committee divided,

Contents, 81   Not Contents, 35

The Chairman was directed to report progreſs, and aſk leave to ſit again; and the Houſe, being reſumed, immediately adjourned.

*Friday, 2d March.*

The Houſe reſolved itſelf into a Committee of the whole Houſe, Lord Scarſdale in the chair.

The firſt, ſecond, and third reſolutions paſſed in the Commons, upon the ſubject of the commercial treaty, were read, and a long converſation took place, in which the Marquis of Buckingham, Lord Hawkeſbury, and the Marquis of Carmarthen on the part of Government; and Viſcount Stormont, Lord Loughborough, and Earl Stanhope, on the other ſide, bore a part.

The points in contention were chiefly in reſpect to the duplicity which was deſcribed as having appeared in wording the treaty, and the ſcheme which was repreſented as lurking beneath that duplicity, to the prejudice of Great Britain.

Lord *Loughborough* contended, that the words in the treaty, which mention, "the wines of France, into Great Britain, "ſhall in no caſe pay any higher duty than thoſe which "the wine of Portugal now pay," carried with them an idea that there was a reſerve for making them pay leſs, the terms "no more," not implying, that the intention of leſs duties would not be put into force. They, of courſe, would materially affect both France and Spain, and therefore to remove the ambiguity, to give it no other name, he ſhould move an amendment. Lord Loughborough.

The Marquis of Buckingham and Lord Hawkeſbury did not ſee the reſolution in that point of view. They conceived it not to imply any ſuch meaning, and therefore thought any amendment improper.

Earl *Stanhope* propoſed another amendment, which (he thought) would meet leſs objection. This Lord Loughborough agreed to, and the noble Earl made a motion accordingly. Earl Stanhope.

The *Lord Chancellor* ſaid, that it *would not at all* anſwer the purpoſe. The Lord Chancellor.

Earl *Stanhope* replied, that *it would in every reſpect* anſwer the intended purpoſe. Earl Stanhope.

The *Lord Chancellor* anſwered, that it was not intelligible. The Lord Chancellor.

Earl *Stanhope* rejoined, that it could *be*, and *was* underſtood by every perſon who heard it. Earl Stanhope.

Viſcount Stormont, Lord Loughborough, and Lord Hawkeſbury, now debated the point for a conſiderable time.

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The argument, however, turning to another object, and Viscount Stormont wishing to have *his* previous amendment disposed of first, Earl Stanhope withdrew his amendment *pro tempore*.

Viscount Stormont.

Viscount *Stormont* conceived, that his idea went to restore the resolution to the original and palpable, *prima facie* intention of it, for, by some means or other, whether fair or unfair, the first article of the tariff differed materially from what it was in the resolution. The tariff said, the wines imported directly from France; the resolution said, the wines imported from the dominions of the French king in Europe. This made a most material difference; for Corsica, and many other places, as well now in possession of the French king, as what might hereafter be conquered or purchased by him, would accordingly to such words, be considered as a part of France. He begged their Lordships to look minutely into this matter, for, it would materially affect a variety of British articles, if all the possessions of the French king were to be considered as a part of France. He should therefore move to have the original words in the tariff restored, unless ministers would explain what was meant by this alteration.

There was no answer from the Secretaries of State, and the motion being put, the persons below the bar were ordered to retire. But, at length, Viscount Stormont gave it up, and the amendment was negatived without a division.

Viscount Stormont expressed his earnest wishes that ministers would favour him with an explicit declaration of the reason of this dangerous surrender to the Court of France, in a point where the interests of this country were so materially at stake. No answer having been made on the part of Government,

Lord Loughborough

Lord *Loughborough*, when the next resolution was read respecting vinegar, rose and observed, that he had a question to ask, but there must, no doubt, be very little hopes of reply, after the indecent, the unconstitutional, and the unprecedented manner in which ministers had treated the House, in refusing a reply to what the noble Viscount had, with such propriety, demanded. Ministers with their arms folded across, nodding significantly at each other, when they were called upon to give information to the House on a matter highly interesting to the public, put him in mind, by their gestures and their solemn silence, of a set of eastern mutes in a despotic country, deciding upon the fate of the dead body before them. He would not seek to disturb their repose. They were deaf to the calls of reason, and he had no claim upon their attention; but there was a noble friend near them (Lord Hawkesbury) with whom he had the honour of a

personal

personal acquaintance, and as he was a man well acquainted with the subject, he should beg leave to ask him, whether Corsica was to be considered as a part of France in the present treaty?

Lord *Hawkesbury* made an apology for his silence; for, as he did not consider himself in any ministerial situation, he could not conceive himself called upon until the noble and learned Lord did him the honour of so personal a notice. He excused himself from deciding upon the point in question, except so far as to imagine, from the tenor of the treaty, that nothing could be meant inimical to the interests of Great Britain. L. Hawkesbury.

Viscount *Stormont* having again demanded some information from Lord Sydney and the Marquis of Carmarthen, on different resolutions, observed, that the noble pair in office were not to be moved by any call—they were silent as the dead of night—silent as that earthly place to which they must, one day, retire, but out of which he hoped, that they would long continue to enjoy all the felicities of human life. Viscount Stormont insisted, that notwithstanding all the high encomiums passed on the celebrated wine bill, and all the promises of the increase which it must occasion to our revenue, yet the imports for six months after its passing into a law, were but few gallons more than for the antecedent half year. Viscount Stormont.

Lord *Hawkesbury*, in answer, remarked, that the ideas of the profits to arise from the commercial treaty, had prevented the merchants from importing Portugal wines, because it was well understood, that the consequence of that treaty would enable them to purchase Portugal wines, at least 15l. per ton cheaper than they now could buy them in. L. Hawkesbury.

Lord *Loughborough* allowed it to be a good, ingenious mode of argument; and it only wanted the establishment of the premises, to make the conclusion just.—For, the fact was, that wines were still made, and ever would be made in this country, until there was a duty on the sweets equal to that on the wine imported. L. Loughborough.

The whole of the resolutions were read through, and passed, after which

Lord *Grey de Wilton* moved, that the address of the Commons, which was part of their resolutions, should be amended, and that it should run thus: "The address of the Lords "Spiritual and Temporal, and the Commons, in Parliament "assembled." Lord Grey de Wilton.

Lord *Portchester* conceived, that agreeing to the address in this form, was binding upon the House to agree to the resolutions. Lord Portchester.

Lord Chancellor. The *Lord Chancellor* answered, that it was but matter of form, and that the report of the Committee was open in every distinct part, and all together, to discussion in the House, and that the motion of rejection or amendment, might be made and adopted, if the House thought proper.

Lord Scarsdale then left the Chair, and reported that the Committee had gone through the resolutions, and the report was ordered to be brought up on Monday.

The House adjourned.

*Monday, 5th March.*

The House received the report from the Committee of the Resolutions passed on the commercial treaty, when, the clerk having read the first,

Marquis of Buckingham. The Marquis of *Buckingham* observed, that having in the commencement of the business in the Committee taken up so much of their Lordships time in stating at large the reasons on which he gave his assent to the treaty, he should not now occupy their time by going over the ground again; but would for the present content himself with moving, that their Lordships should agree with the Committee in these resolutions: he begged leave, however, to reserve to himself the right of offering any observations which should occur to him in consequence of what might be advanced.

Duke of Manchester. The Duke of *Manchester* entered into the discussion of the merits of the treaty, and argued against its adoption: he remarked, that he had the fullest confidence that on a mature examination it would be found, that even in its most favourable points the treaty was highly objectionable. There was no part of it, however, in which it was so censurable, as in the article by which we yielded to the doctrine of the neutral code, and gave up the advantageous distinction which we held in the great article of navigation. Having done it in this instance, it was impossible that we could retain it with other powers; nay we must insult other powers to whom we had refused the advantage, by giving it up in this manner to a nation with whom at least we had had no former connection, and to whom we certainly owed no obligation. In the present day of politeness it would not be permitted him to harbour even jealousy of the French nation, much less must he venture to offend their nice ears by calling them either treacherous or hostile: they must no longer be termed the natural enemy of England; he would not, for his own part, assume a tone offensive to this new-fashioned delicacy—but he must be permitted to say, that without touching on the civility due from one nation to another, we had no great reason for trusting implicitly to the

the French councils. All their former proceedings manifested their direct hostility to England. Without searching deep into the history of the two nations, he would only instance their conduct in the last war, when they, without the shadow of a pretence, broke the profound peace that subsisted between the two nations; and at the very moment when they were making the loudest professions of friendship, entered into a treaty with America, and aimed the most destructive blow at the power, dominion, and prosperity of England. We must shut our eyes, ears, and understandings to every thing, to believe that the ministers of France always meant honestly what they professed. An anecdote which occurred to him when in Paris was a strong proof that they did not even themselves think that they were to be trusted. In a transaction which he had with the great minister who was now no more, and who was in private life as honest a man as he ever met with—when he shewed some distrust of what M. de Vergennes said, he made use of these remarkable words: *Je ne parle pas comme Ministre, mais comme gentilhomme; a cet égard comptez sur mon honneur*; I do not speak as a Minister, but as a gentleman, and therefore you may trust to my honour. He desired to know, if since the peace the conduct of France had been such as to inspire us with confidence in her professions. A noble Marquis (of Lansdown) observed on a former day, that the Sovereign, whom we ought most to distrust, was he who should maintain a large army in time of peace. To this he must be permitted to answer, that being as we were an island, depending on our marine, we had nothing to dread from a Sovereign who merely possessed a monstrous army, unless he also possessed a powerful fleet: the enemy whom we had to dread, was the Sovereign who decreased his army to advance his maritime strength—and such was the monarch of France. It was a fact, that ever since the peace they had been pursuing the wisest and most vigorous means of increasing their navy: the peace was hardly concluded before a council was convened to inquire into the state of the navy; and then orders were rapidly issued for the most strenuous efforts in the parts most advantageous for the service. They had hunted in every corner of the world for materials. They had made contracts for ship timber in all the northern states of Europe, in America, and even in Asia: in the latter they had contracted for whole forests. They had built no less than sixteen line of battle ships since the peace. To what did all this tend? To inspire us with confidence in their pacific intentions? Surely not; such formidable preparations, attended with expences so enormous, at a time when they could so ill bear expence, indicated nothing but

 hostility;

hostility; and *that* hostility must be pointed against England; for were it against any other power, her means would be different.

In this great political aspect, therefore, he must be free to give his opinion, with all proper respect for the polite feelings of the day, that he distrusted the views of France. In the lesser considerations of the treaty—the advantages of tariff, he had also his doubts. How few of the articles of manufacture were there which we enjoyed without their competition? He believed, that excepting the Birmingham and Pottery branches, in the hardware, there was not an article in which they were not making vigorous and successful efforts to rival us. In glass it was manifest they would rival, if not excel us; in cabinet ware they were as dextrous, and 50 per cent. cheaper; in many other articles, even in woollens, he was afraid that our manufacturers would find themselves deceived in their expectations of increased consumption. He begged pardon of their Lordships for detaining them so long, but he thought it his duty to state his reasons for the vote which he should give that night against the treaty.

Marquis of Buckingham.

The Marquis of *Buckingham* observed, that as far as the point could relate to the insincerity of the French, it certainly was not the design of Ministers to consider them as morally sincere at this time more than formerly; neither was this treaty to make Ministers less jealous of the designs or of the preparations of France. The noble Duke said, that there was evidence in history of the French having been uniformly the natural enemy of England. In what history, or in what part of Europe could the noble Duke find a power which either had been, or which then was, the natural enemy? There was no such thing between independent states as natural friendship or enmity: it was interest and contingency all. What Ministers observed on the subject of the treaty was, that it gave us a rational hope for the duration of peace, because it made it the interest of the French to be friendly. Her true prosperity depended as much on the faithful pursuit of this new commercial connection as did that of England; and this was the sum total of the change which the treaty made on the relative condition of the two countries; that it disposed them both to friendship without lulling either into a dangerous repose in professions, or suspending the necessary precautions against danger. It was argued, that this treaty tended to throw a great part of our commerce into the hands of France; and that we ran the alarming hazard of suffering a loss in case of a war. What was the consequence of the last war, when, though engaged with four maritime powers, our commerce was not

only

only protected, but was seen to flourish; nay, when it contrived to send into, and circulate through France, our produce and manufactures? There was an ability in the English commerce which baffled competition; and the same ability would be found in our manufactures. He was by no means alarmed at what the noble Duke had stated of the condition of the French manufactures—Not only our hardwares and pottery, but our cottons and woollens, and various other most valuable articles of our trade, would find their way into great and decisive circulation in France.

Viscount *Stormont* declared, that he had not yet heard a syllable in support of the treaty, which in the least altered his opinion. Adhering to those sentiments which he had the honour to deliver on a preceding day, he would not trouble their Lordships with going over the same ground. He could not avoid, however, taking an opportunity of condemning that part of the treaty in particular which recognized, or at least tacitly acknowledged, the principles of that system which would prove the ruin of our navy: he meant the Neutral Code. Viscount Stormont

The Earl of *Carlisle* persisted in thinking the treaty, both in its principle and in the detail, hostile to the interests of this country, not only in a political but in a commercial point of view. He admitted the superiority of our manufactures, but dreaded that we should not long be able to preserve that superiority—and with respect to our superiority of industry, that was of a more temporary nature than even the other. He animadverted on the conduct of ministers, in trusting the business entirely to noble Peers (the Marquis of Buckingham and Lord Hawkesbury) who, from their situation, could not be supposed to be so well acquainted with the subject as themselves. Had not it been for the volunteer service of those noble Peers, of whose abilities, he professed, he had a high opinion, the House might have remained in total darkness, without even a ray of ministerial light to illuminate their understandings. Ministers, no doubt, preserved their silence on the same grounds that they had stated the manufacturers to have done; and, like them, it was to be interpreted as a positive and direct approbation of the treaty! He however thought it was a duty incumbent on those, who were responsible for the measures of government, themselves to come forward in their support. The Earl of Carlisle.

The Marquis of *Carmarthen* assured the House, that his silence on the subject of the treaty had not proceeded from any want of due respect to their Lordships, nor from any difficulty which he found in being able to support a measure which he was firmly convinced would prove of infinite ad- Marquis of Carmarthen.

vantage

vantage to this country. Had it originated in that House, he should have thought it his duty to have given his sentiments fully on the subject; but as it had already been so often discussed, he deemed it unnecessary to go at length into the consideration of it. The Marquis then went into a general defence of the treaty, which, in every view that he had considered it, he asserted to be highly advantageous to England in the extension of her commerce; and that it would tend to promote an amicable intercourse between the countries; and while it gave us those advantages in point of commerce, he said that we lost nothing in a political sense.

The Earl of Sandwich.

The Earl of *Sandwich* observed that he expected to have heard from ministers the most ample information on a question of so much magnitude as the present; but, he had been disappointed. When he had the honour of a share in administration, those noble persons who now preserved such profound silence were the first to call on his Majesty's ministers for that information, which, from their situation, they were bound to give. The noble Marquis who had just spoken seemed to place much confidence in the operation of the treaty, and, particularly, in its pacific effect. For his own part, so far was he from imagining that it would tend to prolong peace, that he was convinced it would have a contrary tendency. Every commercial negociation between rival nations, so far as experience led him to judge, had been productive of dissention. Had not our commercial treaties with Spain occasioned all our disputes with that nation? And if we look to private life, do we not see what a jarring of interests interferes with the best dispositions, and is always the means of sowing the seeds of discord. Powerful nations so nearly situated must invariably be rivals, and they have been rivals, from the age of Rome and Carthage, down to the time when Great Britain and France flourished as rival countries. He had known France in negociation—he knew her to be a wise and an agreeable nation, but he knew, likewise, that she was artful and insidious—she had but one great object in view, which she steadily pursued: her own agrandizement upon the ruin of Britain. Unfortunately for this country, her councils were directed by no uniform pursuit, she must, therefore, be the dupe of the superior policy of France. What were we to think of her stupendous fortifications at Cherbourg? They were not defensive, they were offensive works, and he could not but admire the address of that nation, who, with all the shew of hostile preparation, had prevailed upon a rival to enter into a cordial treaty of alliance with her. He confessed he viewed those fortifications with a jealous eye, and he thought it was incumbent on us to look to our own coasts. He was a friend to the navy, and

he was alſo a friend to fortification, ſo far as it aided the navy. What muſt be the conſequences of the fortifications at Cherbourg? Will they not neceſſarily oblige us to keep a larger fleet in the Channel than ever we had found neceſſary before. Such being the caſe, it was ſurely eſſential to our ſecurity, that we ſhould follow the example of France ſo far as to protect our coaſts, and by that means to leave our fleet more at liberty to act elſewhere. With reſpect to the commercial part of the treaty, he ſaw none of thoſe advantages which the advocates for it held out, and for theſe reaſons he found himſelf compelled to give his negative to the motion.

Lord Portcheſter. Lord *Portcheſter* renewed his objections to the treaty; nor even, he obſerved, had the noble Marquis (of Lawnſdown) who had ſpoken ſo ably on *both ſides* of the queſtion, made any impreſſion on his mind.

Duke of Richmond. The Duke of *Richmond* contended that the fortifications at Cherbourg were not the only works which it was in the contemplation of France to erect: and this was not owing to any want of vigilance in adminiſtration: it was in conſequence of the laſt definitive treaty of peace, which unequivocally yielded up the important article of the demolition of the fortifications at Dunkirk. The fortification of Dunkirk, then, was the next object, which would certainly attract the attention of France. This would give her ſtill more the command of the Channel, and it muſt, of neceſſity, oblige us to counteract her operations. by looking to the protection of our own coaſts. Adverting to what the Marquis of Lanſdown had ſaid on this ſubject in the courſe of a former debate, he ſaid that it was abſurd to contend, that we could remonſtrate and obſerve to France, you muſt not carry on thoſe fortifications. With the ſame propriety ſhe might come and ſay to us, you are not to fortify your dock-yards at Portſmouth and Plymouth. With reſpect to the different queſtions aſked by the noble Marquis, why had we not diſſented from the neutral code? Why had we not ſettled the ſtate of India? &c. &c. He would tell their Lordſhips ſhortly—that the reaſon they had not done ſo was, becauſe France would not have liſtened to their propoſitions.

The Duke of Richmond then proceeded to take a curſory view of the commercial treaty, which he defended both in its principle and in the detail. He preſumed on the ſilence of the manufacturers as a poſitive proof of their approbation; and had they come to the bar, he was convinced that they would have given ſuch information of the advantages to be derived to their reſpective manufactures, as would have alarmed France. The immenſe advantage which this country derived from the abundance of fuel in our coal mines was the life and ſoul of our manufactures, and it would al-

ways

ways give us a decided superiority, which France, deprived of those advantages, never could combat. He adverted to the situation of our trade with Portugal, which, he said, had been for some time on the decline, though he admitted that it was of considerable importance, and that it was the interest of both countries to be on an amicable footing. He contended that our treaty with France did not interfere at all with the Methuen Treaty, and that it was highly expedient that the revenue should reap some advantage from a trade which had hitherto been almost totally in the hands of the smuggler. Such, for instance, was cambric, and several other articles, which, though prohibited, were in general use.

The Duke, in the course of his speech, stated, as a proof of the propensity and partiality of the French to purchase articles of English manufacture, that a French nobleman of high rank had bespoken a coach of a London coachmaker, which was just finished when the French arret came out forbidding the importation of English goods under the most severe penalties. The nobleman, thereupon, went to the minister, and explained the fact, earnestly entreating leave to bring his new coach over. The French Minister was inflexible, and said, he could, on no account, comply with the requisition, since the example of a man of such elevated rank was of the utmost importance. The nobleman, mortified and disappointed, wrote over to his British coachmaker, stated the circumstance, and ordered him to sell the carriage. The coachmaker knew better, and in less than a fortnight the French nobleman found that his coach was safely delivered in his yard at Paris. If such bulky goods as coaches could thus be smuggled into such a country as France, the Duke observed that other articles easily might; and he thence contended, that if all sorts of British manufactures had found their way into France in spite of prohibitory arrets, it was fair to conclude, that they would go there in abundant quantities, when a free trade was carried on between the two nations. He added, as a farther reason to justify this opinion, that, however the French might go beyond us in invention and discovery, their manufacturers had never yet been able to execute and finish their work as well as the English manufacturers.

Earl Fitzwilliam. Earl *Fitzwilliam*, after disapproving of the commercial treaty with France, stated that the apprehension of a rupture with Portugal had given a very serious alarm to the manufacturers of Yorkshire.

Earl of Carlisle. The Earl of *Carlisle* remarked that he could bear testimony to what had fallen from his right honourable friend, and condemned

condemned thoſe who endeavoured ſo unfairly to depreciate the importance of our trade with Portugal.

The Marquis of *Lanſdown* ſaid that he was happy to find from the tenor of their Lordſhips' ſpeeches that night, that he was perfectly underſtood in what he had troubled the Houſe with on a former night, particularly on the important ſubject of what he conſidered, between independent ſtates, as the only *natural enemy*; namely, that power which, in time of peace, ſhould keep up an army of 300,000 men. In this, however, he had been miſrepreſented elſewhere; in a newſpaper, and in one which had the general character of accuracy: In that paper he was ſaid to have mentioned the name of the king of Pruſſia, as the natural enemy of other ſtates. Nothing could be more diſtant from his idea, nor from his language. The King of Pruſſia, whom he had the honour to know as one of the moſt exalted lovers of humanity, was, and would be more, diſtinguiſhed for his cheriſhing no views but ſuch as were conſiſtent with the peace and happineſs, not the vain-glory, of his people. He thought it neceſſary to ſay this to prevent a farther impreſſion from being made on the public mind, and on Europe, by the miſſtatement. The Marquis of Lanſdown.

He could have wiſhed, he ſaid, that noble Lords in office had been a little more explicit in anſwering the various topics that had been thrown out by noble Lords and by himſelf. He had already occupied ſo much of the time of the Houſe, that he ſhould only now reply to ſuch obſervations as had been made on what he had thrown out. A noble Lord behind him had been pleaſed to ſay, that on a former evening *he had ſpoken on both ſides of the queſtion.* He was very much aſtoniſhed to hear the noble Lord give to his ſentiments this character. He had, as accurately, and as preciſely as words could ſpeak, declared his full and complete approbation of the *principle* of the treaty; but in diſcuſſing the *detail* of the *execution*, he had as clearly expreſſed his wiſhes that the detail had been more cautiouſly guarded, and that ſome points had been ſecured which were left totally untouched, or vaguely provided for. Now, if there was a fair, an explicit, an independent mode of diſcuſſing a ſubject, it was that which he had purſued. Approving of the ground work, principle, and tendency of the meaſure, thinking it a great and important good to the country, he had delivered his thanks to miniſtry for the deſign; but ſeeing articles in the detail which might he mended, and thinking it yet time to mend a part of them, he had as frankly communicated his objections: ſtating theſe objections, he truſted, with candour, certainly without any deſign of captious oppoſition to men, he had audibly and clearly ſtated, that, with all the errors which he had noticed (and he was free to confeſs that he

thought them great and important errors) he saw so clearly the importance of the principle, and was so perfectly convinced that that principle would triumph over an hundred petty obstacles, that he should give his hearty assent to the resolutions by which it was to be carried into effect.—If the noble Lord meant that he had spoken on both sides, because he had not forborne, out of friendship to ministers, to state his objections to the detail; and because he had not, in complaisance to the opposition, forborne from paying his tribute of praise to the principle. The fact was, that he was, and had through life, stood aloof from parties. He was of no party. It was his pride and principle to be of no faction, but to embrace every measure on its own ground, free from all connection. Such had been his political creed, as such he stood before the people, and as such he coveted to be judged by them. In respect to his conduct on this precise treaty, it was strictly consonant to this practice. The principle of the treaty he had acknowledged in the preliminary articles. He had left these articles, as he had stated, very large and open, and in order to give scope for the negociation of the commercial treaty, and that the nation might be as little committed as possible. In viewing the use that had been made of this advantage, he had observed several matters in the treaty which struck him with astonishment. He repeated the six separate objections he had made the night before.

1. That we had procured no advantage on our part, either in navigation or otherwise, to countervail the unreciprocal articles and the political tendency of the treaty.

2. That we had conceded the neutral code.

3. That we had taken no step to prevent or stop the erections at Cherbourg.

4. That the wording of the seventh article was so obscure and unexplicit, as to threaten the extinction of our commerce with Spain.

5. That by the treaty we left Ireland more connected in freedom of trade and facility of intercourse with France than with England: And

6. That we did not seize the favourable opportunity to settle India.

On these several topics he had urged their Lordships, and he wished he had received more explicit and convincing explanations than those he had been honoured with. The noble Duke in the blue ribband had shortly said, that it was in in his mind ridiculous to have stood in the bargain, making demand, which they were sensible would not be complied with. He did not pretend to know what would, and what would not be complied with; but he knew what ought to have been the language of England, and he saw plainly what

had

had been the language of England, and where it went wrong at first setting out; viz. in suffering our supposed superiority in certain manufactures to be set for a moment against the solid, permanent advantages of France. France had in her produce four extensive articles of commerce, against which we had *nothing to reciprocate*, for it was ridiculous to listen to any argument in regard to our manufactures. They were transitory and fleeting. Nothing could be more precarious than an estimate founded on our present real or pretended superiority in this respect. Our boasted cottons were the growth of a day; we saw manufactures rise up almost instantaneously. Even in ship-building, a thing which might be supposed to occupy much of our time and study, it was only within these two years that we had discovered the important fact, that men of war might be built all round the coast. To talk therefore of the excellence of our manufactures and of their superiority, was ridiculous; but the advantage in the produce of France was positive and eternal; as long as the earth endured it remained to France. Ought not the ministers then to have claimed something in exchange? Did they not know how impatient France was for the treaty? He called on the noble Marquis (Carmarthen) to say, if France had not complained that a gentleman should be sent to France and continued there without instructions? The fact was, that France was eager, justly eager for the conclusion of the treaty; and he was sure the noble Marquis had too much candour to think, that a minister of the wisdom, experience, penetration, and forecast, of M. de Vergennes, could have been so eager, unless there was some great point to be gained. There was a great point, an enormous point for France; it stretched beyond the powers of human estimate, and was a matter of so much speculation that it could not too much arrest the notice and awaken the powers of Englishmen. What had we done? We had stipulated for no one thing.

We had given up the *neutral code*, which was the great weapon of England. He needed not say how anxiously and how positively he had refused it on making the peace. He had refused it to Holland—positively refused it to Holland. Ought not this to have been a lesson to them? Could they ask it after it had been so peremptorily denied to an old friend? The noble Duke had said it was no longer to be thought of—it was not an object which we could maintain of right. He could not so easily be convinced that there was not a right,—and as to its importance, he called it one of the most formidable weapons of offence. It was said to be worthless, because no nation would observe it when they were able to break it; and he confessed one of his strongest arguments in objection to it, was its impracticability: But

 why

why enter into a treaty on the subject? Why give a consent to a thing which it must be always our wish, when able, to set aside? It was in the nature of man; enterprise and hostility would lead to it; and he trusted that no minister would ever consent to yield to it, without first taking the advice of Parliament.

On the subject of the erections at *Cherbourg*, the noble Duke had insinuated that he had said they ought peremptorily to have remonstrated against them;—he never was so absurd: he knew our situation too well to think that we could dictate to any nation, much less to a court so formidable as that of Versailles, on a topic of internal concern. He said only, that in the negociation of the commercial treaty, the matter ought to have been represented as a thing that engendered suspicion, and which was likely to exasperate the high-blooded people of England. But the noble Duke had said we had nothing to do with their erections at Cherbourg, no more than they had with ours at Portsmouth and Plymouth. We certainly had not, nor perhaps so much; for he did not think it at all probable that the French would object to our fortifying our coast, since, on the event of an invasion, they would take possession of the fortresses as advantageous posts. But the noble Duke said they had the power granted them by the treaty of peace; and he had informed the House that they were going to fortify *Dunkirk*. Now he had, as he thought, so clearly explained what had occurred at the negociation of the preliminary articles, with respect to this matter, that he did not think it would have been again brought up. The fact was, there was much conversation, much reasoning on the subject; but it was made so peremptory a condition, that he at length gave way. There were two grounds stated; one, that it was an insult; secondly, that it was futile, for the back-water which made the port of Dunkirk, might be carried beyond the limits prescribed by the treaty. But though he yielded the point, he did it on the most complete assurance that there was no design to restore the bason and harbour of Dunkirk. And farther to satisfy his mind, and to secure him, as he had said, against the caprice and project of any one minister, Dunkirk was to be taken out of the department of the minister of the marine, and put into the department of M. de Vergennes. The noble Marquis at considerable length stated a long argument for his conduct at that time; and proceeded to the objections: on the *obscurity of the seventh article*; and the question of *India*. Why that important point was not settled, he confessed astonished him. The noble Duke had said, that he knew not how it could have been settled. He wished the noble Duke had explained to him the circumstances of the

treaty

treaty he had mentioned on a former evening, and which was, as he had said, a complete surrender of all the advantages of the India Company, as well as of its privileges, without having gained one thing in return. He stated this at great length; and then came to *Ireland*: This matter gave him the highest concern as well as astonishment. When he lately heard in the country, that a body of the Irish privy counsellors had been collected in England, to consult with ministry, he had no conception that the conference was on the subject of a French treaty with Ireland, while England and Ireland still remained in the same distracted state as before. Nothing could be more extraordinary than this; for the time was favourable; Ireland was a nation of good humour; the Duke of Rutland and Mr. Orde were men who would make her good-humoured, if she were the contrary: the conduct of the English manufacturers, in the present case of the French treaty, must crush all their former objections to the system of the Irish propositions. The present, then, was the moment for ministers to revive the idea of a beneficial connection. Why was it not done? He did not mean the vague, ill-natured, and inadequate Irish propositions, as they were called; but a plain, simple, good-intentioned scheme of reciprocal intercourse, taking off the shackles that lay on our trading laws; which was all the union that he desired. And, by the bye, if he might not be called impertinent for alluding to another part of the kingdom, in which he had no property, he would say that he saw no objection why Scotland might not gradually receive the law of England. He believed many of their most enlightened men were ripe for it. If this were once done, and the common law of England, as it now happily subsisted, the same in every part of the British dominions, and preserved the same by means of one common court of appeal, it was all the union he desired. But to return to Ireland:—It was monstrous to think that their privy counsellors should be assembled, and nothing be done; at a time too when the Right Boys exhibited such a scene, to whom, for ought he knew, every consul from the court of France may prove a minister.

He concluded with a recommendation to Ministers to read Fenelon's admirable treatise on the effects of ill-humour, in the concluding book of Telemaque,—a treatise, which (he observed) should be written on every Minister's bed-post.

Duke of Richmond.

The Duke of *Richmond* rising next, said, The noble Marquis has taken pains to prove, that, on a former day, he was perfectly consistent in what he uttered and that he did not inquire how far the noble Marquis might speak for and against the treaty at the time alluded to, but certainly, on this night, the noble Marquis has been uniform. He has uniformly argued

guard against it. The noble Marquis' explanation of the fact respecting the article of Dunkirk in the treaty is not satisfactory. That article the French take advantage of, and we have no right to question their conduct. The noble Marquis insinuates something about the fortifications at Portsmouth and Plymouth. If we may take his opinion from the voice of certain persons in another place (Col. Barre, &c.) the noble Marquis has changed his opinion on the subject of the English fortifications, as much as he has done on those of the French, comparing his present argument with his treaty of peace: for I have no hesitation in declaring to your Lordships, that when the plan for fortifying Portsmouth and Plymouth was first submitted by me to the noble Marquis, when he was at the head of the administration of this country, he signified his direct approbation of that plan. The noble Marquis talks about India, and about a treaty, a most alarming, dangerous treaty, which happily for this nation the French rejected. I know of no such thing—but it does not seem that that which the French refused to accept was greatly injurious to this country and favourable to France. The noble Marquis is feelingly alarmed about Ireland—the Right Boys and the tumults give him great uneasiness—the assembling of a number of Irish Privy Counsellors in London gives him astonishment. I cannot help taking notice of a very visible change in the noble Marquis' mind on this subject also; for now the Irish propositions must be simplified. The state in which they were introduced, and in which they passed this Parliament, though rejected in that of Ireland, it seems, was crude, and coupled with political matter, which justly alarmed Ireland. And yet, my Lords, I do not recollect that the noble Marquis signified his disapprobation of the plan when it was before this House; on the contrary, I believe the noble Marquis gave it his direct concurrence.

Marquis of Lansdown The Marquis of *Lansdown* answered thus: I beg that when the noble Duke is disposed to animadvert on my words, or on my conduct, he will represent them correctly. The noble Duke says, that from the conduct of certain persons in another place, my opinions on the subject of the fortifications may be gathered. It is surely a very incompetent way of ascertaining a Lord's sentiments, to argue that certain persons in another place talked so and so. I beg leave to say, that the honourable persons to whom the noble Duke alludes, are infinitely more capable of forming a mature, sensible, and scientific judgement on the plan of fortifications than I am of advising them—and on that head, at least, they require no instructions from me, if I may be supposed at any time to influence their minds. Of their conduct I do not speak, but I do not desire to disguise my own sentiments. If the noble

Duke

Duke has any proof of my having signified my direct approbation of the plan of fortifications, let him produce it—let him submit it to your Lordships—until he does this, I content myself with a solemn declaration, that I never did give my approbation to the noble Duke of that plan, either before or since I left His Majesty's employment. When in office, it was my duty, and it is consistent with my regular habits of acting, never to commit myself hastily.—On every topic I took the advice of those, in whose knowledge and ability on the point in question I had the fullest confidence; and having their opinions in writing, I weighed their force, and made up my own mind. On this plan I pursued this course.—I not only consulted my own confidential friends, but, which is also ever my plan, I took the opinion of certain persons of high character in this House, who though not agreeing with me in politics, I considered as above others capable of giving an authoritative opinion on the subject (Viscount Lord Townshend, &c. &c.) This necessarily took time—and in the mean time I aver, I did not signify my approbation to the noble Duke. At that time the House may suppose I was fully occupied with business that embarrassed me. I was settling the important measure of the preliminaries of peace, and in addition to the weight of those who opposed the measure in Parliament, I believe it is no great secret that there were difficulties among ourselves. I might have reason to fear under all the circumstances of that time that the noble Duke might change his mind, and I must necessarily dread the change of one in seven. So critically situated, when the noble Duke referred his plan, there might perhaps be a degree of address on my part in speaking to the noble Duke. It was natural—it might be necessary—but I solemnly declare I never directly approved of the plan; and I say again, if the noble Duke has any proofs of my assent, let him publish them.

The noble Duke says, there is no treaty with the French about India that he knows of. I am astonished at this. I know the noble Duke is sufficiently industrious, scrutinizing, and tenacious, in office. He is not likely to suffer the insult of the concealment of confidential measures. I do not mean to be officious, nor to stir up any quarrel between him and his colleagues, but if the noble Duke does not know; I beg leave to tell him, that there was a treaty made out here, by which the privileges of the India Company were completely to be sacrificed to the French, without a single stipulation in return; and this treaty unaccountably rejected in Paris by means of intrigue arising from private interest. The noble Duke says, I did not originally object to the Irish propositions—I did not—I had my reasons—strong forcible reasons. I saw at the time all the political objections which Ireland

was

was likely, and which Ireland afterwards did take up, but I did not care to speak my mind in this House—why?—Because I know that such people as his Grace would be ready to carp at my words, and to say that I was anxious to inflame the Irish people, and to propagate insidious alarms.

Duke of Richmond. The Duke of *Richmond* replied thus: I am not apt, my Lords, to make an assertion without sound authority. The noble Marquis says, bring forward your proof, if you have any proof, of my having approved the plan of fortifications. My Lords, the noble Marquis signified his approbation in the presence of the Chancellor of the Exchequer, and, to my mind and understanding, gave his direct assent. The noble Marquis now says, that having at that time a great object to carry, the times being ticklish, and one vote in seven being serious, he might speak to me with a degree of address. My Lords, I must pronounce my abhorrence of such conduct in His Majesty's cabinet—and if a person entrusted with the highest office in Administration, at the head of the Treasury, can conceal his sentiments on a plan, in which the Treasury is interested as requiring money, and which can only pass through the direct support of the first Lord of the Treasury, I say, my Lords, I never can act in confidential situations with such people. The noble Marquis says, he might have his fears at that moment of my changing my mind. My Lords, our indifference arose from my not changing—I thought that the preliminary articles were not what he had a right to expect, and what I am convinced we had the ability to procure. I thought so then, and I think so now.

Marquis of Lansdown. The Marquis of *Lansdown* rising again said: My Lords, I am in your memory. Did I assert what the noble Duke has been pleased to attribute to me, or rather did my words bear the interpretation given to them? Did I insinuate, that for political purposes I might find it convenient to deceive the noble Duke by a pretended approbation of his plan. My suggestion went to this, and it was only surmise, that perhaps from the critical state of the cabinet at that moment, I might not instantly provoke a very irritable mind by a direct rejection of his scheme. But does the noble Duke mean to assert that I directly approved of it? for there is a material difference betwixt withholding for a time one's doubts, and pretending falsely one's approbation. The noble Duke says the Chance[illegible] the Exchequer was present—If the right honourable ge[illegible]an thinks I signified my approbation, he very much misapprehended me. But I beg it may be thoroughly can[illegible]ssed. I have the means of completely proving that I nei[illegible]did, nor could give my direct approbation, when sub[illegible]ted to me in the presence of the right honourable gentleman.

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The noble Duke has avowed his disapprobation of the treaty of peace. That disapprobation is public. I wish to God I durst declare the whole story of the noble Duke's opposition to that treaty. Your Lordships must remember the strong arguments he made use of in this House for the necessity of a peace—after which the noble Duke disapproved of the peace which was made. Before I sit down I must be permitted to say, that I agree with the noble Duke, in thinking it impossible that confidential men can act with one another if there is disguise between them—disguise amounting to insincerity. I call God to witness, that I have ever studied to bear myself to my colleagues with the utmost and the most handsome fairness. I have not, since I quitted His Majesty's service, shewn any great eagerness for place; nor have I set up any captious opposition to the Ministers of the day; much less have I endeavoured to draw about me a party—to erect a standard—or to conciliate and influence Lords and gentlemen to assist me in any object of ambition. The noble Duke will not, I think, charge me with this, and therefore he should give me credit for candour at least, in delivering my sentiments on any subject.

Duke of Richmond. The Duke of *Richmond* replied: The noble Marquis says there is a material difference between withholding doubts and pretending approbation. Put it on the noble Marquis' own ground—I say that the suppression of doubts, on a great plan of expence, and in an important national object, is unpardonable in one Minister towards another. Because a Minister has an object to carry, is he to carry his subtilty into the cabinet? It is a mode of negociation pardonable with enemies; but when such craft occupies the place of plain-dealing, of complete candour, and of good faith, which ought ever to possess the councils of the nation, there must be discomfiture and ruin. The noble Marquis asks me if he has manifested any great eagerness to get into place, or to draw me to his side. I know not what the noble Marquis has done lately, or what he is doing now; but I think I remember the time when he seemed disposed to collect a body of friends, and when he even thought it worth his while to invite so insignificant a person as myself to join him. The noble Marquis says, if the Chancellor of the Exchequer thinks that he signified his approbation, he misunderstood him. I simply aver, that I so understood the noble Marquis. The plan was submitted to him in the presence of the Chancellor of the Exchequer at my own house, where they did me the honour to come for the purpose.

Marquis of Lansdown. The Marquis of *Lansdown*. The noble Duke seems determined not to understand me. I agree with him that the suppression of doubts would be unpardonable, if that sup-

preffion went fo far as to delude a collegue to hazard his plan before Parliament, where he was to be abandoned and expofed. I challenge the noble Duke to prove that any fuch fuppreffion took place. Was he deluded to bring it before parliament? My Lords, as the noble Duke has gone fo far, I will tell your Lordfhips, that before I quitted office, I received a letter from the noble Duke, preffing me to give him my decifive opinion on his plan. Did this indicate my having approved the fcheme even in degree? I defy the noble Duke to produce a fcrape of a pen on the fubject from me. That letter the noble Duke is very welcome to fee; I fhall deliver it to him to affift his recollection as foon as he pleafes.

Duke of Richmond. The Duke *Richmond*. Any letter of mine of which the noble Marqis is poffeffed, will be fair teftimony; and as fuch the noble Marquis will properly produce it. In the mean time I adhere to my ftrong affertion, that he fignified his approbation of the plan in the prefence of the Chancellor of the Exchequer. I defire to know if the noble Marquis will agree to refer the difputed fact to the memory of the right honourable gentleman.

Marquis of Lanfdown. The Maquis of *Lanfdown*. I will fubmit it with confidence to the right honourable gentleman; but ftill I fhall produce the letter of his Grace.

[Mr. Pitt being behind the throne, fome Lords faid, "Afk "the right honourable gentleman;"—but this was fuddenly rejected by a general cry of "No—no."]

Lord Walfingham. Lord *Walfingham* then, flightly adverted to the fubject of the treaty offered to France for their India Company, and mentioned the public reafons given for its rejection in Paris.

The Marquis of Lanfdowne anfwered, that it was private intereft only which rejected it.

Vifcount Stormont now drew the Houfe back to the queftion, and they divided on the firft refolution.

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The Houfe then went through the other refolutions.

The Houfe adjourned.

*Tuefday, 6th March.*

The order of the day being read, the Lords entered into a debate concerning the addrefs on the commercial treaty

Vifcount Stormont. Vifcount *Stormont* obferved, that had he been a friend to the treaty, he fhould have thought it his duty to have oppofed the addrefs, as unprecedented, unparliamentary, and unconfti-

conſtitutional. He renewed his argument againſt the treaty, in as much as it contained matter that could not but materially clog and embarraſs Government in the negociation of their treaties of commerce with other ſtates. He imputed the meaſure of voting an addreſs to the great haſte of France to have the treaty ſo ſanctioned, and particularly deſired to be underſtood as contending and maintaining that no addreſs to the Crown could ſo far pledge the Parliament as to preclude the freedom of future debate, when any bill or bills ſhould be brought in to carry the treaty into effect.

The Marquis of *Buckingham* defended the addreſs, by aſſerting that there were many precedents for ſuch a proceeding, were it worth while to take up their Lordſhip's time with referring to them ſeverally. The Marquis inſtanced a ſubſidy treaty in 1725, and one or two more. With regard to pledging the Houſe, moſt undoubtedly no addreſs could ſo far pledge the Houſe as to preclude their Lordſhips from freely diſcuſſing ſuch bills as ſhall hereafter come before them. The addreſs did not bind them to the particular mode of carrying the treaty into effect, but merely conveyed an aſſurance to the Crown, that they would take the proper ſteps to carry it into effect. Marquis of Buckingham.

Lord *Portcheſter* ſtated, that the caſe of a commercial treaty and a treaty of ſubſidy, were eſſentially diſtinct and different. In the caſe of a ſubſidy, the Houſe agrees to make good the engagement of the Crown, by furniſhing the ſum neceſſary, but in order to give a commercial treaty effect, they muſt alter the exiſting laws of the land He therefore, condemned the addreſs, as a far more objectionable meaſure than the treaty, and joined Viſcount Stormont in deeming it a mode of proceeding unprecedented, unparliamentary and unconſtitutional. Lord Portcheſter

The Earl of Warwick ſpoke in ſupport of the motion.

The Duke of *Mancheſter*, imagining that the Earl of Warwick had ſome perſonal meaning, when, ſpeaking of a particular part of the treaty, he had ſaid, "the fair bloſſoms of "truth are blaſted by malevolence," roſe to comment on the expreſſion, but was ſtopped by Duke of Mancheſter

The Earl of Warwick, who explained himſelf.

*Lord Grey* (of Wilton) concluding that the terms of unprecedented, unparliamentary, and unconſtitutional, as applied to the addreſs, were deſigned to extend alſo to the mover of it, roſe to defend himſelf from ſuch an imputation, and declared, that as the former repreſentative in the other Houſe, and as an inhabitant of a large manufacturing country, he had moved the addreſs, conſcious that in Lancaſhire ſix out of every ſeven manufacturers conſidered the treaty as the moſt eſſential benefit to trade that could be deſired, ſince it had already cauſed a briſk circulation of it. Lord Gre

Lord Portchester. *Lord Portchester* said, that he imagined the noble Lord alluded to words spoken by him, and the noble Viscount near him. He certainly did not mean to apply the terms to the noble mover of the address; but speaking of the address, he had a right to hold that language.

Earl Fauconberg and the Earl of Morton spoke in favour of the address.

Ld. Loughborough. Lord *Loughborough* reprobated the address as holding out to the Crown a language of gross falsehood. It stated that they had taken the commercial treaty into their most serious consideration; whereas, parliamentarily speaking, they could not be said to ave taken any thing into their most serious consideration that they had not proceeded upon by bill. He pointed out inconveniencies that would result from different articles of the treaty, and in particular that of foreigners coming and setting up shops in different parts of England, which was directly in the teeth of an existing law. He condemned the address as futile, useless, and nugatory, as well as unparliamentary and unconstitutional; unprecedented, he said, he feared it was not. In that assertion his noble friend near him had been mistaken. If their Lordships chose to go back to the reigns of Charles I. and II. plenty of precedents might be found; but were those (he asked) just the periods of our history, whence noble Lords would be fond of selecting precedents? He reasoned on the danger of opening a communication between Parliament and the Crown, and said that it might lead so far, as to encourage the Crown to send messages to Parliament to quicken its deliberations about particular measures; and introduce other mischiefs.

Lord Chancellor. The *Lord Chancellor* taking a review of the various grounds of objection urged against the treaty, as well as against the address, observed, that had the debate been less indefinite, it would have proved intelligible. He expected to have heard the term pledging better and more fully explained, and to have been told how far the address pledged their Lordships, either in an unparliamentary, or an unconstitutional manner. Unprecedented they had just heard the address was not; because if they referred to certain unpopular reigns, it so happened that a sufficient number of precedents might be found. The fact was, that precedents were to be met with in better times, as the noble Marquis who spoke second in the debate had shewn, when he instanced the treaties of 1720 and 1725. The Lord Chancellor replied to that part of Lord Loughborough's argument in which he had talked of the danger of opening a communication between the Crown and Parliament, and dwelt on the various instances in which the Crown by message might so interfere. With regard to the House being pledged by the address, his Lordship re-

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minded them, that in the progress of every bill or bills, they would have repeated opportunity to discuss the subject of each bill, to vote for the bill or bills if they approved them, and against them if they disapproved them. Having discussed the question of the address, he proceeded to notice the various objections that had been taken to the treaty. He mentioned the alarm about the Family Compact, stating that most part of the treaty so called, was a treaty which no nation upon earth had a right to say France and Spain might not make. The 25th article indeed, which declared all treaties of the two Crowns with other states null and void, was an enormous article, and justly gave offence to those states, who very naturally declared their treaties should not be abrogated without their consent. But, what part of the Family Compact did the 7th article of the commercial treaty with France recognize? The 24th article, that which entitled Spaniards to be considered in all respects the same as Frenchmen when in France, and Frenchmen as Spaniards when in Spain, was an exchange of privileges which surely Great Britain would not be justified in murmuring at. He observed, that a noble Marquis had advised a remonstrance to be made to France on account of the fortifications now carrying on at Cherbourg. He asked where was the Minister who would venture to make such a remonstrance? [The Marquis of Lansdown said he would.] The Lord Chancellor then asked by what part of the law of nations had we a right to remonstrate. [The Marquis of Lansdowne said "We had no right."] The Lord Chancellor proceeded to state the improbability of our obtaining any sort of satisfaction whatever, were a remonstrance to be sent, where, confessedly, we had no ground of right to stand on, and where, of course, our application would be laughed at as absurd and ridiculous. He next mentioned the East Indies, and said that quarter of the globe had been mentioned, as if we expected France to give us something there, and asked if it was Chandenagore or Pondicherry that we wanted? Let it be which it would, a commercial treaty was not the medium of negociation by which any addition of territory was to be obtained. Ireland he also spoke of, and contended that to have treated with Ireland previous to treating with France, the present circumstances and situation of Great Britain and Ireland considered, would, in his mind, have been a most unwise proceeding.

Viscount *Stormont* stated that the treaty of Utrecht, was a treaty of which France always wanted to get rid; and that the Duke de Choiseul, when the Duke of Bedford negociated the peace of Paris in 1763, had maintained that as the treaty of Utrecht had not been mentioned in the treaty of *Aix la Chappelle*, it was no longer an existing treaty. He declared that Viscount Stormont

that the neutral code and the law of nations were convertible terms; and he begged the Houſe to hold it in their recollection, that they had heard from one of the higheſt authorities, that the addreſs did not in any ſort pledge the Houſe, or preclude the freedom of debating and voting on the bills hereafter to be brought in.

Marquis of Lanſdown. The Marquis of *Lanſdown* ſaid that he would in a few calm words, after the many warm ones which had been delivered, in the courſe of the debates for the paſt three days, reply to what had fallen from the noble and learned Lord upon the woolſack. And firſt, with regard to the addreſs, he had no occaſion to go at all into that; he was perfectly ſatisfied to ſend it to the foot of the Throne, there to remain a dead letter till that Houſe, by acts of their own ſhould pleaſe to give it life and animation. The noble and learned Lord had ſaid, where is the Miniſter that would venture to ſend a remonſtrance (his own word, however, was a repreſentation, for remonſtrance was an harſh word) to the Court of France on the ſubject of Cherbourg? when he had taken the liberty of interrupting the noble and learned Lord, and ſaid, that he would. The noble and learned Lord had next aſked, what right did the law of nations give them to put a queſtion to France on the ſubject, when he had again interrupted the noble and learned Lord and anſwered, We have no right. Upon which the noble and learned Lord had very triumphantly ridiculed the idea of proceeding where there was acknowledged to be no ground of right. They (his Lordſhip ſaid) had no large wigs and big gowns to lend them an air of weight and of authority, but there were ſome among them who once were Miniſters; and who had ſome experience, and as nice an idea of honour as other men. He well knew that plain good ſenſe and the reaſon of the thing properly put to a foreign court would do much more than mere right. Upon that ground, he had acted when in office in 1782, when Monſieur du Chatelet had queſtioned him about the fortification of Turks Iſland. As long as Monſieur du Chatelet ſtood on the ground of right, and peremptorily demanded an anſwer, he would not make him a word of reply. At laſt the French Miniſter ſaw his error; he changed his tone, he put the queſtion upon the plain ſenſe and reaſon of the thing, ſaying, France and Great Britain have diſtant territories enough to fortify; France has claims on Turks Iſland; and why, by fortifying, create a jealouſy between the two Crowns? He that inſtant, ſatisfied Monſieur du Chatelet completely. He gave him the fulleſt aſſurances that not a ſingle ſtone was placed, or meant to be placed, on Turks Iſland. The matter ended immediately. In like manner had he acted reſpecting Corſica, and had the ſame line of conduct been purſued after

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he was out of office, he was persuaded that Corsica would not now have been in the hands of France. The Marquis observed that he would not answer the argument about the treaty of Utrecht, as the noble Viscount had answered it so fully. The fact undoubtedly was, that France had always wanted to get rid of that treaty. He declared he was perfectly astonished to have heard the noble and learned Lord speak as he had done of the neutral code, and talk of a treaty of navigation as separable from a commercial treaty. To such an argument he knew not what answer to make. With regard to the East Indies, the noble and learned Lord had completely mistaken him. He wanted no exchange of Chandenagore. He had spoken on a former occasion, of a treaty between the two companies, that of Great Britain and that of France, which, had it not failed, would have given a fatal blow to our navigation, our commerce and our policy in India. He was glad it had failed. Having said thus much, he declared, he wished to give the treaty his hearty approval. He meant to do so in the fullest manner, and by no means to shrink from the share of responsibility belonging to him. There were some things, that might, perhaps, have been done better, by more cautious Ministers; but by far the greatest part not so well. Possibly more cautious Ministers would have treated first with Portugal. He declared, in his conscience, he believed it was better as it was; for, such had been the difficulties that he had found in endeavouring to obtain redress for the merchants' many grievances, that perhaps, without such an advantage as a commercial treaty with France in our hands, we should not have been able to obtain any redress. More cautious ministers, also would probably have treated with Ireland, before they went to treat with France. He was convinced it was more likely to turn out well, not to have done so. Ireland might easily be settled with, and various opportunities might be found to manage and adjust all the lesser omissions that he had before spoken to. Therefore such as the treaty was he gave it his full concurrence, and Ministers were welcome to any little assistance he might be able to give them in its support. With regard to what had passed the preceding night between him and the noble Duke, if the noble Duke was contented, let him upon maturer recollection have found himself ever so much in the right, he was willing to let it rest where they left it the preceding evening.

The *Lord Chancellor* replied, that he really meant to have said nothing that should have appeared offensive to the noble Marquis: he explained several parts of his former speech, and admitted, that he had mistaken the Marquis' argument relative to the East Indies. Lord Chancellor.

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Marquis of Lansdown. The Marquis of *Lansdown* paid the Chancellor some compliments on the nice sense of honour which, he said, he well knew him to be actuated by.

Duke of Richmond. The Duke of *Richmond* observed, that at that late hour of the night he would take up as little of their Lordships' time as possible: he then justified the address on different grounds, and quoted the precedent of the address of the year 1782 on the subject of the repeal of the act of the 6th of George the First. After laying some stress on the precedent, and reasoning on its similarity to the address then moved, he came at length to take notice of that part of the Marquis of Lansdown's speech, in which the Marquis had talked of what had passed the preceding evening on subjects foreign to the debate, and had declared, that if the noble Duke had no objection, however he (the Marquis) might, upon mature recollection, have reason to think himself in the right, he was contented to let the matter rest as it stood at present. To that proposition the Duke declared he would by no means consent; and their Lordships, he trusted, would consider the peculiar situation in which he stood, and have the goodness on that account to suffer him to detain them some short time longer, while he called upon the noble Marquis to produce that letter of his which he had the day before said he had in his possession, and what he had declared would prove, that he (the noble Marquis) as first Lord of the Treasury, had never signified his approbation of the system of fortifications that had been submitted to the House of Commons as a measure of Government.

Marquis of Lansdown. The Marquis of *Lansdown* desired to know the date of the conversation that the noble Duke had the preceding evening stated to have happened between his Grace, the Chancellor of the Exchequer, and himself.

Duke of Richmond. The Duke of *Richmond* begged the noble Marquis first to comply with his requisition, and produce the letter. He said that he had, since the preceding evening, recollected the letter to which the noble Marquis alluded, and he was almost certain, that there was nothing in that letter which would support the noble Marquis in his expressions of the day before; expressions that went the length of charging him with having caused the plan of a system of fortifications to be submitted to Parliament, which would have cost a very large sum of money, as a measure of Government, without having previously obtained the concurrence of the first Lord of the Treasury.

Duke of Chandos. The Duke of *Chandos* said, if that sort of debate was to succeed, he should move to clear the House. A general cry of *No! No!*

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The Marquis of Lansdown observed, that he would willingly oblige the noble Duke, and read a part of that letter, which he held in his hand, and then mentioned other circumstances which, he trusted, would sufficiently justify him in the expressions which he had used. The Marquis stated, that the letter was dated January 30, 1783; that it turned upon various matters, but that it would be sufficient to his purpose to read the last paragraph; he accordingly read it, and the purport of it was, that the Duke begged the Marquis to turn the various subjects (stated in the letter) in his thoughts, and give him an answer thereupon as soon as he conveniently could, since when he (the Duke) knew the Marquis's opinion, he should form his ordnance estimate accordingly. The Marquis said, in addition to what he had read, he would inform their Lordships, that a meeting took place at the noble Duke's house between his Grace, the Chancellor of the Exchequer, and himself, at which a fourth person, the Duke's secretary, was present; the date of that meeting, the Marquis said, was what he wanted to have learnt, but as near as he could guess, it must have been long before he received the noble Duke's letter to which he had just referred.—The business of that meeting was, he said, to settle about the affairs of the ordnance, to advise by what mode its debt should be paid off, and to fix upon some means of preventing the extravagant practice which had obtained in the management of that branch of the public expenditure from existing any longer. The meeting, he added, was not of very long continuance, and he remembered that there lay some plans of fortifications on the table, which he looked at with some degree of attention, and saw some designs for forts on the Portsmouth side of the harbour, and some in Stokes Bay; but to the best of his recollection nothing passed or fell from him, that could be construed to be an express approbation on his part of the noble Duke's system; nay, the letter in his hand was a direct proof to the contrary, because it prayed him to turn the various subjects it contained in his thoughts, and to give an opinion upon them as soon as he conveniently could, a request that would certainly have been unnecessary, had he given his opinion before. But there were certain other circumstances which sufficiently shewed that the meeting in question was not a meeting for the purpose of determining upon the new system of fortifications; for if it had been, their Lordships would doubtless have thought it oddly composed: for his part, he had never professed to be a judge of fortifications, nor pretended to be an engineer; and therefore it was not very likely that he should have relied on his own judgment in an affair of so much importance. Marquis of Lansdown.

Had the meeting been convened for the purpose of consulting upon such a subject, he should have naturally expected that the Commander in chief and first Lord of the Admiralty would have been present; the first to give his opinion of the system, and the latter to consider how far it coincided with the naval defence of the kingdom: another circumstance also (and *that* material) was sufficient to satisfy him, that there never had passed any thing like a serious consultation upon the subject—there was not to be found a trace of cabinet minutes respecting it. He explained to the House, that whenever any public business was transacted in Council, there always were cabinet minutes taken, and that there were several in existence, where questions respecting the ordnance, and of a nature subordinate to the consideration in question, had been under investigation: he reasoned upon these facts for a considerable time, and said, that he was tolerably certain that the meeting he had mentioned must have happened previous to the receipt of the letter from which he had read an extract, as the preliminary articles of peace were laid before the Houses of Parliament, on the 27th of January, and debated in both Houses on the 17th of February. After much argument to strengthen and confirm the idea that he had never given his approbation of the fortification system, a system which, according to the noble Duke's first estimate, would have cost the Public four hundred thousand pounds, but which, when it had been examined more accurately, was found would amount to between seven and eight hundred thousand pounds, he sat down, declaring that he should rest satisfied with the testimony of the letter he had produced, and submit *that*, and the observations he had stated, to their Lordships and the Public, perfectly content with their decision of the business, be their decision what it might.

Duke of Richmond. The Duke of *Richmond* answered, that he wished exceedingly that the matter should be clearly understood, and therefore he should beg their Lordships' attention to his statement of facts. It had been said that fortifications were his hobby-horse; they certainly were, and he should never be ashamed to own, that his duty always would be his hobby-horse. As Master General of the ordnance it became his duty to attend particularly to the defence of our dock-yards and our coasts: feeling this, he had taken considerable pains to ascertain where fortifications were necessary, and he had consulted engineers upon the subject. Having at length formed a plan for additional works, he had submitted it to the opinion of those who were competent to decide, and received their approbation of what he had proposed: he had afterwards, on various occasions, submitted

his

his ideas in different conversations to the noble Marquis, and regularly understood him to coincide in opinion. With regard to the meeting in question, he could not exactly recollect when it was held, but he was much of the same opinion with the noble Marquis, that it had been held some time before the sending of the letter which the noble Marquis had produced; but he could not agree that it was, properly speaking, a private meeting; for, on the contrary, it was a meeting upon the business of the ordnance expressly. As it was not then known, whether we should have peace or not, the ordnance estimate was to be made out for the war establishment, and as the fortification system necessarily made a part of that estimate, the meeting had been held between the first Lord of the Treasury, the Chancellor of the Exchequer, and the Master General of the Ordnance. The reason why it had been held at *his* house was, because, as there were various plans of fortifications to refer to, the noble Marquis had been so polite as to let the meeting be at *his* house instead of the Treasury: when, however, it was held, the noble Marquis entered deeply into the consideration of his plan, and was pleased to honour him with much praise at the time, and, as he then understood him, gave his complete concurrence to the system. In order to remind the noble Marquis that the meeting was of considerable duration, he begged leave to state to him, that they went into a great deal of detail upon the subject of the ordnance estimates; and as a corroboration that the noble Marquis did then concur, or at least appear so to do, the Duke produced a letter from Mr. Pitt, to whom he had written that morning upon the subject; his Grace read the letter as follows;

"My dear Lord,

"I remember the circumstance of the conversation which "took place at your Grace's house in 1783, when Lord "Lansdown and Mr. Steele were present: my memory, at "the distance of four years, does not enable me to say that "Lord Lansdown did positively give a full and direct ap- "probation of your Grace's plan of fortifications; but the "impression which it made on my mind at the time was, "and has continued so on every reflection since, that his "Lordship did signify his approbation of the plans.

"I have the honour to be, &c."

The Duke then added, that when the Marquis (of Lansdown) and himself were present, they examined the ordnance accounts, and the system of fortification proposed by the Duke, and when the Marquis and he came away, he conceived the Marquis as well as himself to have left the Duke's with an impression that his system of fortification

had their full concurrence." His Grace reasoned upon this testimony in his favour, and said, that he had the honour of having had many conversations with the noble Marquis on the subject, in every one of which he gave him to understand, that he approved of the proposed plan. In order to bring it to the Marquis's recollection that he had been used to talk of fortifications, he said, that he had repeatedly cautioned him about fortifying Plymouth, and said, "Let me have Plymouth secure at any rate." The noble Marquis had challenged him to produce a scrap of paper of his upon which he had signified his consent to the fortification system. He stated to their Lordships, that when men in office had a confidence in each other, a great deal of the public business was done by conversation merely; if, therefore, the want of written evidence was to be considered as a proof of there having never been a concurrence notified by the noble Marquis, there was an end of all confidence between man and man, and the business of an administration could not proceed. The letter produced by the noble Marquis was a letter bearing upon a variety of other subjects as well as the system of fortifications; and that letter in a great measure confirmed his argument, since if the noble Marquis referred to it he would find, that in that part of it which related to the plans of fortification, it was said, "those plans which you saw," a clear proof that the Marquis had seen them. After arguing upon these points for a considerable time, the Duke observed, that he would abandon the case he had made out, give up Mr. Pitt's testimony, and take it on another ground. Supposing then that the fact was as the noble Marquis had stated it to be, and that he had dared to go to Parliament with the plan as a measure of Government, how came it that the noble Marquis in that case did not go to His Majesty and advise him to dismiss *him* (the Duke) from his service, for having dared to carry a plan which would cost four hundred thousand pounds to the House of Commons, and endeavoured to get it passed, without having previously obtained the consent of the first Lord of the Treasury? The Duke laid great emphasis on this, and said, that if the noble Marquis had acted in a manner so extraordinary, he had been guilty of an heinous offence, and deserved to be punished; but the fact was not so, it was as he had first stated it. He produced two letters from the Marquis; the one in answer to his of the 30th of January, and the other upon too trivial an occasion to be read to their Lordships: he would however just mention, that it began with *My dear Lord*, and ended with the words *believe me to be your sincere and affectionate friend*, &c. that circumstance, trifling as it was, the Duke con-

tended,

tended, was sufficient to prove that at the time the noble Marquis and he lived in habits of intimacy and friendship, and consequently *that*, added to the circumstance of the meeting being held at his house, corroborated his assertion that they had frequent conversations together on the subject. The Duke therefore, upon the whole of what he had stated, appealed to their Lordships, whether he had not cleared himself from the charge which had been brought against him by the noble Marquis: before he sat down he reminded the Marquis that he had not started the subject, but a noble Earl (Lord Sandwich) had done so in the course of his speech the preceding day. Thanking their lordships for their patience and attention, his Grace sat down.

Earl *Stanhope* now rose, not, he said, to stop the two noble Lords, because he was convinced that nothing could be more idle or more stupid than to attempt to prevent two persons who chose to speak, from going on. He rose merely because he thought both the noble Lords (for each of whom he entertained a very great respect) were under the impression of mutual misconception. He was almost sure the noble Duke did not mean what the noble Marquis had conceived him to mean, and that the noble Marquis—— Earl Stanhope.

Earl *Camden* spoke to order. His Lordship said, that he could not consent when two noble Lords had gotten into a sort of personal justification of themselves in consequence of words dropped in the heat of debate, for another noble Lord to rise to argue and debate what the meaning was of their speeches. He thought such conduct too disorderly to be suffered. Earl Camden.

The Marquis of *Lansdown* agreed most perfectly in the observation of the noble and learned Earl, and returned his thanks to him and to the noble Duke with a white wand for their kind interference, but the matter lay in a narrow compass, and was not likely to end seriously. He was perfectly satisfied with the letter he held in his hand, against which the noble Duke had adduced Mr. Pitt's testimony. The testimony of a very respectable witness, but a witness who could speak only for himself. There was, therefore, letter for letter, but added to his letter, he had the benefit of his own assertion, and he did assert in the most unqualified manner, that he never expressed his concurrence with the noble Duke's system of fortification. If it was urged that there was blame due to the minister who, nevertheless, suffered it to come before Parliament, he was free to say, that he thought there was great blame; but *that* was another question; and if the noble Duke chose to make a motion upon it, well and good, let the noble Duke do it. If he was asked, why he suffered Marquis of Lansdown.

suffered the plan to be proposed when he did not approve it, he protested he could not tell. Possibly it was for want of time, as it was the fortnight before the peace. A busy fortnight! But, as to the fact, he was willing to let it rest with their Lordships to decide; and he did not care which way the decision went. He was glad that the noble Duke had produced his letter, beginning with the address of *My dear Lord*, because it shewed how pure he was, and how clear of any thing like resentment against the noble Duke, for having thought proper to take the extraordinary step of quitting the Cabinet just before the peace came under consideration. He was above so mean a passion; early in life, when a boy, he was occasionally actuated by it, but he had gotten rid of it by living among good and great men; he had rooted it out, and he defied any man living to say that he had shewn resentment on any occasion in the whole course of his life. He imputed the noble Duke (of Richmond's) conduct to his resentment at what had passed in the House of Commons when the Ordnance estimates had been under consideration. He assured the noble Duke that the prejudices he entertained against him on that head were altogether without foundation. Those who had given their opinions in the other House, adversly to the fortification system, where men competent to judge for themselves, and well entitled so to do. They were not a faction headed by him, nor had he any share in directing their conduct in that House. If the noble Duke knew how delicately he held himself towards those gentlemen, and ever had done, he would not have suspected him of influencing their conduct. But why would not the noble Duke, when he felt himself hurt on that occasion, come fairly to him, and tell him the cause of his resentment. He was open enough surely; for openness was so much his characteristic, that he was open to a fault, and by the advice of his friends on that very account, secluded himself from the world. The noble Duke and he had lived on terms of sufficient intimacy to have encouraged the noble Duke to come to him. He had dined with the noble Duke, the noble Duke had done him the same honour at his house, and that friendly intercourse might have gone on till now, had not the noble Duke broke it off; why, the noble Duke best knew; but he supposed on account of what happened in the House of Commons. The Marquis pressed the noble Duke to rise, and to do him justice on the present occasion. He said he knew that the Duke was a fortification difficult to take; he wished he would let him have the honour of atchieving a victory: if however he would not, but would obstinately persist in maintaining that he had obtained his concurrence previous to laying his plan before parliament, he should rest satisfied with the evidence of the noble

Duke's

Duke's letter, and let the whole matter remain upon that ground.

Duke of Richmond.

The Duke of *Richmond* rose again, and said that the noble Marquis had thought proper to introduce a great deal of private anecdote, mixed with sarcasms, but that, far from following him in either, he should adhere to his purpose; and so unwilling was he to concede the point upon which he set out, that he had clearly established it by the testimony of Mr. Pitt's letter, and by other circumstances. The Duke apologized to the House for having so long detained them; but added that, if any of them had been in such situations themselves, they would naturally allow for his anxiety to clear himself from so heavy a charge. He took notice of the words of the Marquis on the preceding day, when he had said, his conduct had been merely a piece of address to avoid irritating him, and observed, that all confidence between Ministers must be at an end, if they are to act delusively with each other. Before he sat down he thanked Earl Stanhope for his endeavours to clear the difference, but if that noble Earl would look into the Ordnance estimate of 1783, he would there see, that the system of fortification was openly proposed by him to the House of Commons, in a manner that could not, in the nature of things, have been done without the consent of the Treasury.

Duke of Manchester.

The Duke of Manchester called back the House to the business of the address, by stating an observation or two about the neutral code, founded upon a written paper* containing his Grace's account of the conversation of the French Minister upon that subject.

The Duke of Portland moved, that the address of the House relative to the repeal of the 6th of George the First might be read.

The address was read accordingly.

The question was then put, and the House divided,

Contents 74, — Not contents 24.

The House adjourned.

*Wednesday, 7th March.*

Sir Francis Mollyneaux informed the House, that the Commons were in waiting in the painted chamber, to hold a conference with their Lordships.

Ld. Sydney.

Lord *Sydney* moved, "That the same managers who conducted the last conference should be appointed to manage the present." Ordered; — The clerk called over the hands, when the noble Lords withdrew into the painted chamber.

EARL

EARL CAMDEN, CHAIRMAN.

Earl of Salisbury.
Earl of Denbigh.
Lord Sydney.
Lord Walsingham.
Lord Amherst.
Lord Scarsdale.
Lord Hopetoun.
Bishop of Rochester.

After the Lords had taken their seats at the table, Earl Camden, the Chirman, informed the Commons that they had taken the resolutions and the address which was transmitted from the House of Commons, into their serious deliberation, and had agreed to the same with one amendment to the address, namely, that they had altered the title of the address, to the Lords Spiritual and Temporal, and the Commons in parliament assembled—The Commons and Lords alternately bowed to each other, and the Commons retired, and the Lords returned to their House.

The Committee returned to the House, and Earl Camden reported the conference; upon which the Lords with white staves were ordered to wait on His Majesty, to know when he would be graciously pleased to receive the said address.

*Thursday, 8th March.*

The House proceeded with the Commons to Saint James's and presented to the King,

The humble address of the right honourable the Lords Spiritual and Temporal, and Commons, in parliament assembled.

Most gracious Sovereign,

"We, Your Majesty's most dutiful and loyal subjects, "the Lords Spiritual and Temporal, and Commons, in "this present parliament assembled, having taken into our "most serious consideration the provisions contained in the "treaty of navigation and Commerce, concluded between "your Majesty and the Most Christian King, beg leave to "approach your Majesty with our serious and greatful ac-"knowledgements for this additional proof of your Majesty's "constant attention to the welfare and happiness of your "subjects. We shall proceed with all proper expedition in "taking such steps as may be necessary for giving effect to a "system so well calculated to promote a beneficial intercourse "between Great Britain and France, and to give additional "permanence to the blessings of peace.

"It

" It is our firm persuasion, that we cannot more effec-
" tually consult the general interest of our country, and the
" glory of your Majesty's reign, than by concurring in a
" measure which tends to the extension of trade, and the
" encouragement of industry and manufacture, the genuine
" sources of national wealth, and the surest foundation of
" the prosperity and happiness of your Majesty's dominions.

The House of Lords returned, and immediately adjourned.

*Friday, 9th March.*

The Lord Chancellor reported His Majesty's answer to the address of Thursday last, which is as followeth:

" My Lords and Gentlemen,

" I return you my thanks for this loyal and dutiful ad-
" dress.

" The declaration of your sentiments, formed after the
" most serious consideration of the treaty of navigation and
" commerce between me and the Most Christian King, af-
" fords me the truest satisfaction; and I receive with pleasure
" the assurances of your determination to proceed, with all pro-
" per expedition, in taking such steps as may be necessary
" for giving it effect."

The same, with the address, was, upon motion, ordered to be printed.

The House adjourned.

*Friday, 16th March.*

The order of the day being read, for the commitment of the mutany bill, Lord Scarsdale took the chair. The clerk then proceeded to read the preamble and the several clauses, till coming to that by which the extent of the act is ascertained to all " Officers commissioned and in pay,"

Viscount *Stormont* rose to offer his objections to the clause. Viscount Stormont
He said, that although his opposition to it, in the last session, had proved ineffectual, he should not hesitate once more to submit to their Lordships' judgement, the reasons why he thought that clause should not, without amendment, constitute a part of the act. He traced up the progress of martial law, in this country, to its original source, and from acknowledged premises, inherent in the principles of the constitution, he deduced the conclusion that military authority should not be suffered to extend itself farther than necessity required. A standing army (he observed) requires a standing code of military regulations; yet (as the preamble of the bill itself declared) these regulations should be subservient to the civil institutions of the state; and hence it was that the mutiny act is only

passed from year to year, at the same time that, by the same vote of parliament, the continuance of the army is legitimated. Martial law should be exercised only over those who are occupied in military functions; nor should the citizen be forgotten in the soldier. In all free states this had been, from the most remote ages, a fundamental maxim—in the Roman and the Athenian republic, martial law was restricted to the operations of war; and the soldier on his return from the field, was entitled to the same protection of the civil laws of the land with the rest of his countrymen. This principle being established, Viscount Stormont applied it to the case of brevet officers. If the clause now under consideration should be enacted, those officers would prove liable to all the pains and penalties of martial law, without being capable of exercising a single military function. He could not see the shadow of a reason, why a distinction should be made in this case between a brevet and a half-pay officer. They both held rank in the same manner, suspended 'till the one should be called out by a letter of service, and the other by a new commission. Former Ministers had meditated a similar extension of the mutiny act, by comprehending officers on half pay. They had even subjected them to it, by the introduction of a clause in the act; though he knew not whether it lasted more than one session. Having made the experiment, they had receded in time, and he hoped that the present Ministers would take warning, and recede before it was too late. It had been granted, avowedly by some—and tacitly admitted by others, that the officers on the half pay list, were not ameanable to courts martial, or liable to be punished for any offences committed against the articles of war. Now, he wished to be informed of the distinction between them and brevet officers. He, for his part, could discover none. Half pay officers were surely not to be considered as *emeriti milites*—their half pay was not merely a pension given them for past services. They had not all retired as invalids, but some, and indeed most of them, had the *animum redeundi*, and were brought into that situation in consequence of the reduction made in the military establishment at the conclusion of the war. That this coincidence existed between the condition of the two descriptions of officers in question, was the opinion of many persons of greater authority than himself; and in particular, of a noble Peer (the first Lord Littelton) who had declared so, in a speech which had been delivered in that House, and which his Lordship had left upon record. Being, therefore, firmly of that persuasion, and supported by such respectable authority, he should move an amendment to the clause, that to the words, "commissioned "and in pay." be added the following, "and in a situation of "discharging military duty."

Lord

Lord *Hawkesbury* remarked that he must beg leave to trespass upon the attention of the House; for, though not a military man, he had been in an office, which enabled him to acquire some little insight into the rules of the service, and the precedents on which those rules had been established. For the purpose which he had in view, he should not go back, as the noble Viscount had done, to the practice of the Roman or Athenian armies; though he would just observe, by the way, that those armies were of a very different constitution from ours. They were not regularly kept up and paid; but divesting themselves of their peaceful habits for a time, they took the field in a tumultuary manner, and then returned to their civic occupations. In justifying the present clause, as he intended no precedent, he should go no farther back than to that period from whence precedents should alone be deduced, from the Revolution, when our constitution was new modelled, and brought into the beautiful form in which we at present enjoy it. Since the Revolution it had never been contested, and for the truth of his position he appealed to the most experienced officers present, that brevet officers were qualified to sit on courts martial. In the year 1765, a noble Duke had been a member of one of those military tribunals; since that a noble Earl (of Waldegrave) as well as a noble Lord close by him (Rawdon) had sat upon a court martial; at the same time that they were all brevet officers [to this Lord Rawdon nodded assent]. He thought it then but just, that those who can sit in judgement as members of a court martial, should be liable themselves to be arraigned before such a court. Besides, the very act of sitting as a member of a court martial, was the discharge of a military duty, and therefore, did away the objection made by the noble Viscount. Having, as he hoped, fully proved the propriety of the clause from precedent, he should next proceed to consider the reasonableness of it. He remarked that a brevet officer was by no means in the same situation with one of half pay. There were two kinds of rank, regimental and lineal. The brevet officers had rank and command in the line of the army, the regimental officer only in his own corps. Therefore, on a reduction of these two descriptions of officers, their situation would be extremely different. He concluded with an observation that it would be for the benefit of brevet officers, that they should become amenable to a court martial—as it would prove certainly more desirable for them to be tried by a court of men of honour, their equals, in whom they reposed confidence, and from whom they would expect to meet only with their deserts, than to be exposed to be cashiered at the will of the Sovereign; which might perhaps be, in reality, at the discre-

Lord Hawkesbury.

tion of the Minister. If officers on brevet rank were not liable to be arraigned and tried for offences, which they might commit, without being on actual service, as for instance, scandalous conduct, or ungentlemanly behaviour, they must submit to a more summary judgement; which might, in time come into more frequent exercise than in our constitution could be desirable or safe.

L. Rawdon. Lord *Rawdon* observed that, much as he respected the talents and the experience of the noble Lord who last sat down, he could not avoid taking the liberty to remark, that his ideas concerning brevet rank were not perfectly accurate. A brevet officer might be, in a special case of military duty, subordinate to, or distinct from, his brevet rank; in which case his situation would be very different from one who had merely a brevet commission. Thus, most of the brevet officers in the army were attatched to regiments or corps; the greatest part of the generals were colonels of regiments; and many brevet colonels, lieutenant colonels, &c. held inferior regimental commissions. These were, undoubtedly, subject to martial law, by virtue of their special military duty. Thus, if he might mention his own case, he was a lieutenant colonel on half pay, with the rank of colonel, from his appointment as aid-du-camp to His Majesty. His half-pay would leave him in the situation of other half-pay officers, exempt from martial law, under the exceptions which he would hereafter mention; but his appointment of aid-du-camp gave him a special duty to perform, and, therefore, brought him within the pale of the articles of war. This distinction he thought very material to observe; beyond which he thought the question merely of a legislative nature. As to the precedents insisted on by the noble Lord, who spoke last, from the duty performed on courts martial, he thought them far from being conclusive in proof of what his Lordship wished to establish. With respect to himself no farther explanation was necessary, after what he had just observed. But, as to officers, who have no such special military duty, but merely a brevet commission in the army, giving them rank without pay; it had been allowed that a letter of service would suffice to call them out, in the same manner as a new commission would a half-pay officer. It had been said, that an order from a superiour officer would have the same power with a letter of service,—but that order should be considered as coming virtually from the king, the superior officer, by whom it is communicated, being only the intermediate agent. Now, an order to any brevet officer he considered as fully equivalent, on that principle, to a letter of service. Lord Rawdon now proceeded to consider who were properly amenable to martial law. Though he fully

agreed

agreed with the noble Viscount (Stormont) that brevet, as well as half-pay officers, should not be tried for offences, which they were not in a capacity to commit, yet he was, by no means certain, that they were exempt from every proceeding against them by martial law. He thought, however, that they should be rendered liable to such part as would attach to their situation. Thus they might be guilty of ungentlemanly or scandalous behaviour; and he thought they might be tried for it—indeed, he knew not how they could be arraigned on those articles before any other tribanal. He had one objection to the present clause; and this was, that it would intimate to half-pay officers their incompetency of appealing for a justification of their conduct to a court martial; unless it were accompanied with another clause, declaring that brevet or half-pay officers should be liable to a court martial for such matters as might attach to their situations: with which proviso, he should give his hearty assent to the noble Viscount's amendment. Lord Rawdon argued against the general comprehension, intended by the present clause, of brevet officers; and, indeed, he considered every innovation of that kind, every extension of martial law, as dangerous to the constitution. He thought a line should be drawn between military and civil institutions—and that those who were subject to the latter alone, should not be drawn into subjection to the former. In saying this, he meant no disrespect to the military code. On the contrary, he felt the greatest pride and pleasure in his profession, from the experience which he had of many excellent characters which adorned it.—Neither did he argue against the unnecessary extension of the arbitrary powers of martial law from any apprehension under the present government, or under the present reign. It was with the utmost sincerity and heartfelt satisfaction that he professed the contrary sentiments. Yet, he thought, that we should provide against encroachments which might possibly be made hereafter; and that we had received those guards and checks of the constitution from our ancestors, was, in his idea, a sufficient reason, if we had no other, why we should preserve them inviolate for posterity.

The Duke of *Richmond* argued in favour of the words as they stood in the bill, instancing various cases in which an officer, though called into service as a captain, yet exercised command, as holding a superior commission by brevet. He pointed out the seinstances to shew, that, although the officers so described received pay only as captains, or whatever their acting commission might be, yet they were considered as amenable for their conduct as commanding officers, and liable to be tried by a court martial for it. Hence he argued, that Duke of Richmond.

officers

officers holding commissions by brevet ought to be amenable to martial law, and reasoned on the right of an officer by brevet to assume the command, where the rank of an officer exercising command, before his arrival, might be of rank inferior to that rank to which his brevet commission entitled him. His Grace read the words of a brevet commission, to shew how extremely strong they were, as they ordered all the King's officers and soldiers of an inferior rank to obey the person holding such commission, and he said that he would illustrate his general argument in support of the clause as it stood in the bill, by reminding their Lordships of a case, which, though not a case in all respects precisely in point, would serve to lead them to an idea of the necessity of subjecting all brevet officers to military law. The case he alluded to was the surprize of the lieutenant governor of Elizabeth Castle in the island of Jersey, during the course of the last war. The officer having been surprised and taken by a party of the French who landed on the island, was obliged to consider himself as a prisoner of war, and as such he signed a paper directed to the officer next in command under him, purporting that he had surrendered Elizabeth Castle and its dependencies, and commanding the officer to comply with the conditions of the surrender. The officer was a good deal puzzled how to act; he felt that he stood in a very delicate situation, and knew not whether he had best refuse to surrender the castle, and incur the danger of having been guilty of disobedience of the orders of his superior officer, or to comply with the order and incur the danger of being tried for an unnecessary surrender of his Majesty's castle. In this moment of hesitation, an engineer rode into the castle, and being superior, by brevet, in rank to the officer then in command, took the command on himself, tore the order of surrender, and defended and preserved the castle. This brave officer was Captain Mulcaster, at that time, it was true, in actual service in the island; but supposing he had not been in actual service, and supposing he had acted differently and given up the castle, would any man say he ought not to have been tried by a court martial for his conduct?

Earl of Balcarras.

The Earl of *Balcarras* commented on some words spoken by Lord Portchester, and made mention of the three cases of General Ross, Colonel Stuart, and Colonel Gould. He also adverted to his own situation, and to that of Lord Rawdon.

Lord Portchester.

Lord *Portchester* rose to explain, and to state that he had not (as the noble Earl imagined) declared it to be *his* opinion, that officers holding rank by brevet, *must*, as well as *might*, take the command, wherever they came and found the command in the hands of officers holding rank inferior to their

brevet

brevet rank; but he remarked, that if it were true that officers of superior rank by brevet *might* assume the command where they found it in the hands of officers of inferior rank to their own, that they *must* and *ought*, for that there could not exist a distinction between the right and the obligatory exercise of it; and therefore, in such cases, if they *might*, they *must*, and would be liable to be tried by a court martial if they did not. Lord Portchester begged leave to remind the noble Duke (of Richmond) that he had come to Portsmouth, while he (Lord Portchester) was in command there, and though his Grace's rank was superior to his, yet he did not assume the command which he was bound to have done, if the argument really stood as it had been stated.

Lord *Rawdon* rose to take notice of some observations which were made during the course of the debate by the Duke of Richmond and the Earl of Balcarras. With regard to the case of Elizbeth Castle, in the island of Jersey, most certainly (as the noble Duke had himself stated) *that* was not a case precisely in point. That case happened in the time of war, in an island fortified and garrisoned, and the officer who had behaved so gallantly, was in actual service on the spot, and therefore was clearly amenable to military law. Lord Rawdon.

Lord *Rawdon* contended, that a commission by brevet, of itself, was a nominal rank, which ought not to be made amenable to martial law, unless called into life by a letter of service, from the Secretary at War, a nomination in general orders, or some other notification of the officer holding it being called upon to serve. With regard to a court martial, and officers by brevet having sat upon courts martial, while they so sat, he considered them as in actual service, but, when the court martial was over, their state of actual service ceased. He alluded to a case put by Viscount Stormont, upon a supposition that at the time of the Revolution, a Peer, who was a brevet officer, had advised the commander of a regiment to go over with his regiment from King James to the enemy, and contended that, in all probability, had that case happened, the government would not have tried such noble Lord by his Peers, in that House, where the constitutional question would have doubtless been taken into consideration, but would have put him on his court martial, who would have inquired as to the fact. The case of Colonel Gould had, he observed, been mentioned. He would explain that to their Lordships. He (Lord Rawdon) had holden a special commission in America, as commander of a part of the army destined for particular service in the southern quarter of the district in which the army was to act under Earl Cornwallis; and he had, besides, particular

instructions

inſtructions from that noble Earl, to take from all the various parts of the army that he came near, as many men as ſhould, upon the whole, make up a number, in his opinion, equal to the ſervice upon which they were to be employed. When Colonel Gould arrived at Charleſtown, he waited upon him, and ſhewed him his letter of ſervice and his inſtructions, informing him that his command was not to be interfered with, and requeſting a certain number of men which was complied with. This was the true ſtate of the caſe of Colonel Gould. He next mentioned the caſe of General Stuart, and declared it to be his opinion that the General had great cauſe of complaint in having been denied his court martial: It ought, in *his* mind, to have been granted him. His Lordſhip, before he ſat down, recapitulated the diſtinction that he conceived ought to be taken with regard to a commiſſion by brevet, without a letter of ſervice, a nomination in general orders, or ſome admitted means of giving life and animation to a commiſſion of brevet.

L. Sydney. Lord *Sydney* ſaid, that the main queſtion had been ſo fully debated as to render his obſevations needleſs, nor ſhould he have riſen, had not ſomething fallen from the noble Lord reſpecting General Stuart. He reminded their Lordſhips, that General Stuart had a colonel's commiſſion in the army, when he went out to India, and that a major general's commiſſion had been granted him by brevet, but that it was limited locally, and gave him the rank of major general only in India, where it was intended that he ſhould be the ſecond in command, and as ſuch, next to Sir Eyre Coote, at the head of the Company's forces. In that capacity he had acted, and, Lord Sydney added, he ſhould be glad to know how it was in his power to bring General Stuart to a court martial, circumſtanced as he was. He had, he aſſured the Committee, taken infinite pains to do it; but it lay wholly with the Board of Directors of the Eaſt India Company, in whoſe ſervice, and not in the ſervice of the crown, General Stuart had acted as ſecond in command in India. He knew not how to puniſh any Board of Directors that would not in their own caſe bring an officer to a court martial for conduct in their ſervice. His Lordſhip maintained the general argument in favour of the bill as it ſtood, declaring, that, for the latter years of his life, he had been a good deal in the habit of converſing with military men, and there was not one of them with whom he had talked on the ſubject, who had not declared it was deſirable that the law ſhould ſo extend, as to give gentlemen, holding a commiſſion by brevet, an opportunity of clearing their characters by courts martial, as well as other officers, and that till the late deciſion of the

judges,

judges, in the cafe of General Rofs, the law had been fo underftood to ftand.

The *Lord Chancellor* went over the whole argument, declaring, that although he had the moft profound refpect for the opinion of the judges as recently delivered, and knew that it was an opinion which ought to be bowed down to, yet before that opinion had been declared, the law was underftood to extend (as it was made to extend by the bill on the table) to officers holding commiffions by brevet. The bill, therefore, did nothing more than declare *that* expreffly to be the law, which had been underftood to be the law before. In order to prove that it ought to be the law, his Lordfhip went much at large into the fubject, explaining to what defcription of men the mutiny bill ought to extend, and to what, in his judgement, it ought not. The army, he ftated, as a peculiar defcription of men, neceffarily required to be governed by laws different from thofe which governed civil fociety in general. When men entered into the army they voluntarily undertook a profeffion which they knew to be governed by martial law, and having done fo, if they condefcended to continue their actual fervice, to accept the rank and profeffion, he faw no reafon why they fhould not be confidered as amenable to its difcipline and its laws. Nor was the fact, that an officer by brevet could not incur the danger of violating any of the articles of war, in any degree true. The Lord Chancellor.

They might incur a variety of them; and he would inftance only one particular. For an officer to *fpeak irreverently of the Sovereign* was a crime by the articles of war; and would any man fay, that an officer holding a commiffion by brevet was not as liable to be tried by a Court Martial for *fpeaking irreverently of the Sovereign*, as any officer in actual fervice? A good deal of argument, he obferved, had gone upon brevet officers fitting upon Courts Martial. The reafon was obvious; the articles of war declared, that all officers holding certain rank were fit and capable of being called upon to fit in Courts Martial; brevet officers therefore were eligible on account of their holding fuch commiffions as the articles of war defcribed. The officers of the Guards were peculiarly circumftanced; they held nominal fuperiority of rank upon a comparifon with the reft of the army; but they did not hold that by their commiffions, but under the articles of war. Strained cafes had been put, in order to make out the argument againft the claufe as it ftood, and, among others, it had been hypothetically argued, that if at the time of the Revolution an officer fhould have advifed the Commander of a regiment to go over with his regiment from James II. to the Prince of Orange, and had been afterwards tried for it, how would the iffue have been? This could ne-

ver have happened, unless the Revolution had failed. What was a Revolution? It was when the despotism and tyranny of a government grew to be so intolerable, that the obligations to obedience were necessarily dissolved, and all the individuals of a community recurred to a state of nature, till things settled under some new government. This was clearly the case in 1688, and consequently no man would have dared, after the Revolution, to have talked of James the Second as the King, and of the Prince of Orange as the enemy. To what end then put an impossible case? His Lordship dwelt upon this, and stated the distinction between officers on half pay, and officers holding commission by brevet. The one had the honours, the other the rewards of the profession. The officers on half pay were clearly no longer soldiers, but citizens. The case of the others he considered as extremely different.

Ld. Loughborough. Lord *Loughborough* declared, that if it could be made out that the law formerly had been understood to be, what the clause, as it at present stood, declared it to be, he should have no sort of hesitation to say, that the declaration could not be too explicit; but he had never heard, nor could he even, upon inquiry, discover that, or any thing like it, to be the fact. In the case of General Ross, no man could have shewn a stronger wish to have his conduct inquired into; he had sought such an inquiry anxiously, and who had found the difficulty? who started it? not General Ross; no member of the long Robe, but the members of the Court Martial themselves. Their knowledge of the custom and usage of their own possession suggested the difficulty, and upon that the question came before the Judges. As one of that description, he had delivered his opinion, (the unanimous opinion of all) and, after he had delivered it, he had heard from an infinite number of officers, that they should have been excessively surprised had he delivered any other opinion than he did. His Lordship stated the doubts which at one time prevailed, even respecting half-pay officers being subject to the mutiny bill, and mentioned the surrender of Preston in the rebellion of 1715. At that time a number of young men, on half pay, had entered into the rebellion. The Government had just before issued a proclamation, putting the half-pay list on full pay, and ordering them to hold themselves in readiness when called upon to enter into actual service. The young men who surrendered, were all of them, except one who proved that he had resigned his commission before the half pay was changed to full pay, tried by Court Martial and executed. With regard to the argument of the noble and learned Lord upon the articles of war, it would be a good one to apply to those countries where the

government was military, but not to a country constituted as this was. It might apply to France, but not to England. The articles of war, and the mutiny bill, were the code for the government of the existing army, the army in actual service; but not for officers holding commissions by brevet, nor for officers on half pay. With regard to an officer by brevet, speaking irreverently of the Sovereign, it would be a great offence; but what was the punishment of such an offence under the articles of war? He was to be cashiered. His Lordship expatiated on this, and admitted, that an officer so offending ought to be punished. He observed, however, that the same article of war, that declared speaking irreverently of the Sovereign to be an offence, also deemed it an instance of mutiny, and stated, that to speak rudely to a superior officer was an offence likewise; but he appealed to Lord Amherst, whether, if an officer not in actual service, should accidentally hold uncivil language to him in promiscuous company, he should think he ought to be tried by a Court Martial, though were any officer of inferior rank in actual service to hold such language to him, he undoubtedly would think it his duty, not from personal feelings, but from respect to his own rank, and the discipline of the army in that case to proceed to bring the offender to a Court Martial. [Lord Amherst nodded in confirmation of Lord Loughborough's reasoning] As the bill stood worded, this extraordinary case was in possibility, viz. that a capricious, ill-advised Government might order every brevet officer to go to Gibraltar, and there detain them. He reasoned upon this as a case actually in possibility, and asked if their Lordships would suffer a bill, warranting the bare possibility of such a case to pass into a law.

The Lord Chancellor.

The *Lord Chancellor* in reply said, that while we had a standing army, we must provide laws for the good government of that army, in order to make it as perfect in point of discipline as the army of any other country to which it might stand a chance of being opposed. There must therefore be a mutiny bill, and that bill must be made to apply to the army, such as it was, which we kept standing. With regard to the noble and learned Lord's possible case of all the brevet officers being ordered to Gibraltar, the converse of the case was equally to be provided against. Suppose every general officer, when called upon to go upon a particular service, should refuse to go, would the noble and learned Lord say, there ought not to be a bill to enable the Government to avert such an evil? He admitted that his supposition was like the noble and learned Lord's, a very extreme case; but it was equally possible to happen with the case of the brevet officers being sent to Gibraltar.

The question was then put, and the bill was afterwards reported to the House by Lord Scarsdale without amendment.

The House adjourned.

*Wednesday, 21st March.*

Lord Rawdon.

Lord *Rawdon* desired the attention of the House, whilst he begged leave to remark, that some transactions had lately happened in respect to the cession of part of the British property to Spain, which he conceived could not be done without the concurrence of His Majesty's Ministers; and as every thing relating to Florida was of consequence to this country, he wished to know by what means, or rather under what authority, such a cession was made. The noble Marquis at the head of the foreign department could no doubt give that information to the House, with which the duty of his office had furnished him; and he would do the noble Lord the justice to say, that he had found him ever ready to come forward with all proper explanations. But, in order that the Minister might have time to prepare himself to answer fully to such questions as might be put to him respecting the convention with Spain, he should give notice that he had a motion upon that subject to submit to the House on Monday next; and he therefore moved, that all the Lords be summoned to attend on that day..

The Marquis of Carmarthen.

The Marquis of *Carmarthen* returned the compliment, by adverting to the great respect which he paid to what fell from the noble Lord, and the high opinion which he entertained of him, as well in his character of a soldier as in that of a senator; and added, that he would not shrink from any inquiry that the noble Lord should think proper to institute, or refuse any information to the House, that was consistent with his duty in the high department, with the care of which His Majesty had thought proper to honour him.

The Chancellor then put the question, that the Lords be summoned; and it was ordered accordingly.

The House adjourned.

*Monday, 26th March.*

The order of the day being read, that the Lords be summoned on the motion of Lord Rawdon,

Lord Rawdon.

Lord *Rawdon* prefaced the business he meant to introduce, with an assurance that no motive but that which merely arose from what he deemed a matter of importance to this country, had persuaded him to trouble their Lordships with a particular attendance on this day. The subject which he had to offer to their consideration, was that part of the Spanish convention

vention which related to the surrender of all the British possessions on the Musquito shore, for the paltry consideration of a few miles in the bay of Honduras, and in which the following passage occurred:

His Catholic Majesty, prompted solely by motives of humanity, promises to the King of England that he will not exercise any act of severity against the Musquitos, inhabiting in part the countries which are to be evacuated by virtue of the present convention, on account of the connections which may have subsisted between the said English and the Indians. As such a boon to Spain carried with it a most extraordinary, and, indeed, humiliating concession on the part of Great Britain, he deemed it highly expedient to have some reasons assigned by His Majesty's Ministers, to satisfy the Public on this subject. He said, that we held possession of the Musquito shore since the year 1760, and that it became valuable to this country, not only from the cotton, indigo, logwood and sugar it afforded, but from its being a protection to our other possessions from any insult or impediments in that quarter by the Spaniards. He allowed, that, in concluding any bargain between state and state, it was customary to give and take; but he denied that it was usual, in point of justice, where the necessity of the case became not a plea to surrender up a valuable possession of territory, as large at least as the whole kingdom of Portugal, for twelve miles extent in the bay of Honduras, and to part with it for a tenure, which we could only hold by a lease at will. Had we received any equivalent, then indeed Ministers would be blameless; but thus wantonly to lavish away the property of the nation, merely in compliment to Spain, was deserving of the severest censure. This indeed was an æra of concessions; and so far Government acted consistently. But there was a kind of respect which this country had for its property, that made such politeness so very ill received by the people. Indeed, it was not alone injurious and degrading to the nation, but it was an act of ingratitude to the British subjects there, unto whom we had long afforded protection, and from whom in return we had received every mark of respect and assistance in their power to give. These inhabitants, however highly meriting the continuance of our favour, were, by the convention, to be delivered up to their old implacable enemy; but who had, it is true, as the convention specified, given a promise that they would not punish or ill-treat them, as they had been so long friendly to Great Britain—a compliment evidently made in the true style of high breeding to the country; very polite, but a wretchedly poor return of gratitude to a people, that we were bound to support on every principle

ciple of justice, and by every tie of honour;—a people who as free men, who as the unconquered inheritors of that tract of land, had a claim from Great Britain for support against their enemy. There was a possibility of Ministers arguing that we never had a legal right to the Musquito shore;—that it was always considered as a bone of contention; and that it was therefore the interest of this country to surrender it up to Spain. The case however was not so. We bargained with the natives for a settlement there, and the British law was established, and our power acknowledged by the natives. The length of time, the *uti possidetis*, gave us a property, had we nothing more in proof of our rights, and therefore to disallow that would be absurd. Considering it in this point of view, we should most certainly have made a better bargain than to cede to Spain a tract of 500 miles in length, and of considerable breadth, which yielded us cotton, indigo, and sugar, for liberty to cut logwood, within the compass of twelve miles in the bay of Honduras. There was something so very inadequate in this exchange, so palpably injurious to the property of Great Britain, that it became the duty of Parliament to have it thoroughly investigated; and if the facts appeared as strong to their Lordships as they did to him, he trusted that the motion which he would make would meet their concurrence.

Before he sat down, he said, he should give it as his sentiments to Ministers, that the Musquito shore, in the possession of Great Britain, would have been a much more proper place to receive our transported convicts than the antipodes, although he allowed that such a plan of sound policy would not have appeared so novel and so brilliant as the scheme of sending them to Botany Bay, where it is impossible that they can be of any use at all. His Lordship then moved, "that "the convention with Spain, signed on the 16th of July "1786, does not meet the favourable opinion of this "House."

Lord Osborne.

Lord *Osborne* (Marquis of Carmarthen) observed, that when the noble Lord first mentioned the subject of his motion in the House, he had, with his usual politeness, declared that he did not impute the convention with Spain to him, or consider it as a measure for which he was responsible. The Marquis begged leave to take that opportunity of declaring that he was not only responsible for it, as one of the Ministers honoured with His Majesty's confidence, but that he was the Minister most particularly and personally responsible, being that Minister who had signed the convention; nor did he wish to shrink in the smallest degree from the responsibility that belonged to the measure. If he had signed the convention complained of, and given up the Musquito

shore,

ſhore, merely for the purpoſe of taking a narrow ſlip of territory of not more than between eleven and twelve miles in extent, in exchange for a territory of between three and four hundred long, and near one hundred in depth inland from the ſea, he would be moſt ready to acknowledge, that he deſerved every poſſible cenſure, and to have his name branded with infamy, and delivered down to poſterity with all that odium and diſgrace which ought ſo deſervedly to be annexed to the name of that Miniſter, who could ſo baſely have betrayed the intereſts of his country. But he had the happineſs to know, that the convention had been formed on far different grounds than the mere exchange of territory. The ſixth article of the definitive treaty of peace with the King of Spain, rendered a convention neceſſary, and on that ground it had been negociated and concluded. He was ready to admit, that, in pacific times, when all was quiet, the Muſquito ſhore might be looked upon as a valuable poſſeſſion; but conſidering its ſituation, with a jealous neighbour at the back of it, we might have found ample reaſon to have regarded it otherwiſe. In this, as in many other caſes, where, upon the face of the tranſaction, Miniſters might appear to be to blame, there was ſtrong and ſufficient ground of juſtification, if the diſcretion due from men in high executive offices did not teach them rather to riſk their own character, and to be contented with a conſciouſneſs of their innocence, than reſort to that mode of juſtification which muſt neceſſarily reſt on a diſcloſure of facts, highly neceſſary for the purpoſes of national ſafety, and the continuance of the public peace and tranquillity to be kept concealed. On the preſent occaſion, he would not be the Miniſter mean enough to juſtify himſelf by the betraying of any ſecrets which ought not to be made public without the conſent of the Crown, and which, if made public, might be attended with conſequences prejudicial to the country.

The Duke of *Mancheſter* declared, that he roſe in conſequence of the blame which might otherwiſe be thought imputable to him for the part which he had taken in negociating and concluding the definitive treaty, under the authority of one of the articles, of which it had been declared that the convention with Spain was neceſſary. He owned that he felt himſelf particularly embarraſſed in what manner to ſpeak on the preſent occaſion, ſince it was almoſt impoſſible for him to explain his own conduct without going into a variety of matters, that the Houſe could not properly comprehend unleſs they had all the papers before them to which thoſe matters referred; and that perhaps His Majeſty's Miniſters might not think it prudent to permit. He would not therefore attempt to ſay any thing which might be conſidered as betraying

The Duke of Mancheſter.

betraying State secrets, but content himself with merely declaring that the convention went a great way farther than the definitive treaty made it necessary that it should go. The Duke desired it to be thoroughly understood, that he felt no unwillingness to go fully into the matter, but was ready to do it, if the papers in question could be brought regularly before the House; and he really did not himself think that the production of them would do any hurt.

The Earl of Carlisle. The Earl of *Carlisle* spoke of the Musquito shore as a settlement which had been in the undisturbed possession of Great Britain for more than a century, and went into a series of reasoning, grounded upon references to dates and treaties, to prove the fact. He quoted the year 1748, and other periods, to shew that our claim to it had been recognised, and, after much argument to establish that point, said, that he could not agree that it was right to contend in that House for the value of the trade carried on by means of the Musquito shore settlement, if it was really (what he feared it must be acknowledged to be) nothing more than a smuggling trade upon the Spaniards and their settlements. Another reason why he could not agree to the motion generally was, on account of the extreme delicacy of questions like the present. There was so much to be said of the discretion which Ministers were bound to exercise upon some parts of their conduct, that where that was seriously pleaded, and it was declared that necessary motives of secrecy prevented their making use of the justification in their power, he thought that degree of credit was due to them at least, that it should be taken for granted that they had other and much stronger reasons for what they had done than appeared on the face of the transaction. Questions of censure were those kind of questions that in his mind ought not to rest upon mysterious and uncertain facts, but upon broad, palpable, self-evident misconduct; and therefore he could not help giving Ministers credit for having had other and sufficiently justificatory motives for giving up the Musquito shore. But there was a part of the convention which the noble Lord had mentioned in the latter part of his speech, and of which the noble Marquis had omitted to take any the smallest notice; and that was the language of the 14th article of the convention: that was, his Lordship said, a matter on which he had hoped the noble Marquis would have given their Lordships some satisfaction, though he was at a loss to imagine how any Minister could justify himself for having hung up the humiliation of Great Britain in every court in Europe in an article so degrading to the national honour. He enlarged on this as a just ground of censure, because there could be no secret reason for such a mortifying

sacrifice

facrifice of the fpirit of the country, and on that ground he thought the motion juftifiable.

Vifcount *Stormont* declared, that he would, as fhortly as poffible, ftate his reafons for fupporting the motion, becaufe, having a fevere hoarfenefs, he was not able if he were ever fo defirous of fpeaking at length upon that or any other fubject: he then began to fay, that in all negotiations there ought to be a parity of advantage in the exchange of territories; in the prefent cafe there was clearly no fuch parity. He was proceeding to enter on an examination of the article of the definitive treaty, and to compare it with the convention, when he was interrupted by Vifcount Stormont.

The Duke of *Richmond*, who faid he rofe to fpeak to order. He could not think it either orderly or fair to go into matters that could not be faid to be regularly before the Houfe, the papers on which the comparifon refted not having been produced. The Duke reminded the Houfe of what had fallen from the Duke of Manchefter, who had felt himfelf precluded from a juftification of his own conduct for the want of thofe papers: the Duke was farther alluding to the Duke of Manchefter's fpeech—when Duke of Richmond.

Lord *Portchefter* called his Grace to order, declaring it was diforderly for any noble Lord, who had called another noble Lord to order, to allude, in the courfe of what he faid to juftify his having done fo, to what had fallen in debate from another noble perfon. Lord Portchefter.

The Duke of *Richmond* defended himfelf by ftating, that it was neceffary for him to have faid what he had done, in order to fhew why the noble Vifcount had been diforderly. Duke of Richmond.

Vifcount *Stormont* rofe again and thanked the noble Duke for having acted as he had, declaring that he ftood corrected and would take the queftion up in a different way: he then went much at large into a defence of the motion, declaring it was the mildeft motion that could have been made on a matter of fuch palpable mifconduct. He faid the Minifter had been to blame for the irregular manner in which he had firft introduced the Convention to the notice of Parliament in the fpeech from the throne, which in that inftance might with peculiar juftice be called the fpeech of the Minifter; he had been to blame likewife for an exchange of territory, which was not fo juftifiable as that recorded of old—the change of gold for brafs. He fpoke of the long-eftablifhed right of this country to confider the Mufquito fhore as her undoubted poffeffion; a territory that fhe held by as good a claim as fhe held the ifland of Jamaica: he referred to the argument of the Earl of Carlifle on this point, and quoted (as his Lordfhip had done) different periods to prove that our right Vifcount Stormont.

had been recognized by treaty; he inſtanced two precedents where motions of cenſure had been moved, and one in which the Prime Miniſter of the day (the Earl of Oxford) had joined in ſupporting the motion; he particularly enlarged on the 14th article as an unneceſſary degradation of the country, and ſaid, the Muſquito Indians had proved themſelves faithful allies, and had invariably adhered to the intereſts of Great Britain: he contended that they were an independent people, and that we had no right whatever to deliver them over to the Spaniſh yoke. He ſpoke alſo of the Britiſh ſubjects, to whom we owed undoubted protection, and concluded his ſpeech with declaring, that he would not give Miniſters any advice which he would not take himſelf, and that he would on no account whatever have a hand in the Convention.

Lord Chancellor.

The *Lord Chancellor* began with declaring, that he had expected to have heard the queſtion ſpoken to with that degree of explicitneſs and candour that belonged to it; he had looked for more accuracy of deſcription in point of geographical character than had been attempted. The Muſquito ſhore had been talked of as a tract of country extending between four and five hundred miles, without the ſmalleſt mention of the ſwamps and moraſſes with which it was interſperſed, nor any allowance for the parts of it that were actually impoſſible to be either cultivated or inhabited. With regard to ſettlements, it would have been imagined by thoſe who were ſtrangers to the fact, that there had been a regular government, a regular council, and eſtabliſhed laws, peculiar to the territory, when the fact was, there neither exiſted one nor the other; he went into the hiſtory of the ſettlement, tracing it down from the year 1650 to the year 1777, mentioning Lord Godolphin's treaty and all its circumſtances, and deducing arguments from each fact he mentioned, to prove that the Muſquito ſhore never had been fairly to be deemed a Britiſh ſettlement; but that a detachment of ſoldiers had been landed from the iſland of Jamaica, who erected fortifications, which were afterwards, by order of the government at home, abandoned and withdrawn. He inſtanced the tranſactions on the ſubject at the peace of Paris in 1763, when Governor Littleton preſided at Jamaica, and enlarged upon them to ſhew, that this country by the peace of Paris had renounced whatever claim ſhe might before that period have fancied ſhe had a right to maintain, and had given a freſh proof of her having done ſo in the year 1777. when Lord George Germain, the ſecretary for the American department, ſent out Mr. Lawrie to the Muſquito ſhore to ſee that the ſtipulations of this country with Spain were carried fully into execution. His

Lordſhip enlarged on theſe particulars, and after enforcing and applying them to the arguments urged in defence of the motion, proceeded to notice what the Earl of Carliſle had ſaid on the delicacy of queſtions of that ſort, declaring that he had been happy to hear the matter ſo judiciouſly obſerved upon. He ſhould have been extremely glad if the whole grounds of the tranſactions could with prudence and propriety have been gone into, but as that could not be done, he muſt meet the matter as he found it. With regard to the degradation of the country that the 14th article was pretended to hold out, he denied the fact: the Muſquitos were not our allies; they were not a people whom we were bound by treaty to protect, nor was there any thing like the number of Britiſh ſubjects there that had been ſtated, the number having been according to the laſt report from thence only 120 men and 16 women; the fact was, we had procured (by contract, if noble Lords pleaſed) a ſtipulation that the King of Spain would not puniſh thoſe Britiſh ſubjects, and the Muſquitos who had poſſeſſed themſelves improperly of the rights belonging to the Spaniſh crown, and in conſequence of ſuch irregular poſſeſſion had perſiſted for a courſe of time, but with frequent interruption, in the enjoyment of thoſe rights. He repelled the argument that the ſettlement was a regular and legal ſettlement; and ſo far from agreeing, as had been contended, that we had uniformly remained in the quiet and unqueſtioned poſſeſſion of our claim to the territory, he called upon the noble Viſcount to declare as a man of honour, whether he did not know to the contrary?

Viſcount Stormont.

Viſcount *Stormont* replied, and maintained his former argument as to the general turn of it. With regard to the queſtion that the noble and learned Lord had put to him ſo pointedly, he could not but obſerve, that a noble Duke had called him to order for going to ſpeak particularly to the very point to which the noble and learned Lord now called upon him to anſwer. His Lordſhip then went into argument to meet that queſtion.

Lord Rawdon.

Lord *Rawdon* roſe to take notice of ſome paſſages of the noble and learned Lord's ſpeech that had gone upon what had fallen from him, and anſwered them ſeverally. He produced ſome documents ſigned by General Dalling, when Governor of Jamaica, to prove that a ſuperintendant had been ſent over to the ſettlement on the Muſquito ſhore at that time with a view to form a government; he alſo quoted the year 1744, as one proof that there had exiſted a Council of Trade, &c. publicly recognized by this country ſo long ſince. With regard to there having been mutual claims equally urged by Great Britain and Spain, the teſt

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of ability in Ministers, he said, would have been proved by their having made good our claims, and not by their having ceded them to the claims of Spain. His Lordship declared that he had, upon the whole, heard nothing that had induced him to think otherwise of the propriety of his motion, than before he had offered it to their Lordships' consideration.

Lord Chancellor. The *Lord Chancellor* answered, that he was aware of the application for a charter, but he wished the noble Lord had mentioned the answer that was given to that application when it had been made. The having sent a superintendant over with a view to the establishment of a regular council, &c did not by any means prove, that the Government at home had countenanced the scheme. He begged leave to refer the noble Viscount to what he had before stated relative to the conduct of Governor Littleton in 1763, and of Lord George Germain in 1777, as an ample proof, that let what would have been the state of the Musquito shore, or the opinion of this country in 1744 or 1748, the idea of settling there had been changed completely since, and the fortifications recently abandoned and withdrawn. His Lordship said, he had heard a Minister called upon to speak out; he wished noble Lords who supported the question would speak out. Would they say, that the trade carried on from the Musquito shore was any thing, either more or less, than a smuggling trade upon the Spaniards and their settlements; and would any noble Lord say that a British Minister, in any given situation, ought to maintain and support such a trade in the face of Parliament, or in negociation with any one foreign court whatever.

Lord Rawdon. Lord *Rawdon* replied, that he had not argued upon what would have been done, had a charter been granted when applied for, but had produced a document to establish a fact, and to prove that there had many years existed a council to protect trade, and a regular form of government.

Ld. Hawke. Lord Hawke corroborated this by instancing the treaty of 1672, and a negociation of 1717, a few years after the treaty of Utrecht

At length the question was put, and the House divided,

Contents, 17 — Not Contents, 53.

Lord Chancellor. The *Lord Chancellor* called the attention of their Lordships to the Gainsborough road bill now moved to be read: he stated that it was customary to carry bills through Parliament under the idea of a public benefit, when they often did a material mischief to private property; and it was too often the case that those bills passed without a due and proper investigation of their merits and demerits. The bill which

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lay on the table went, in his opinion, to affect the private rights of two parishes, which parishes at present enjoyed the emoluments of a toll on a ferry across the river Trent; that it was proposed by the present act to abolish, and in its place to erect a bridge that was not to be subject to any parochial toll whatsoever; nor was there any recompense to be made to the persons at present in legal possession of that property. He protested that he was unconnected with all party, and that he stood singly on his own unbiassed judgement, when he declared to their Lordships, that he deemed the bill in its present form an attack upon private right, and as such highly improper to pass without the introduction of some clause that should continue to the parishes their dues, and thereby bring the intended bridge within the parochial rates. He begged the House to recollect, that in a private bill that passed into a law some time since, which held out to their Lordships the idea of benefiting the estate of a minor, that minor and his mother were, in the operation of the bill, reduced to great distress, and at this time actually in want of the common necessaries of life. Private property was what their Lordships should ever hold most sacred; they were its guardians, and ought to weigh well and consider any bill that came before them, which even in the smallest manner affected it. He was well aware, however, that private interest should always give way to the public good; but at the same time care should be taken to make some amends to the individual whose property was destroyed on such occasions. He thought it his duty to state thus much to their Lordships, that they might, if they thought proper, make an amendment to the purport he had mentioned; and he begged of them again to believe him, when he declared that no man or men had access to him to ask his interest either on a public or a private bill; he acted as his conscience directed, and did that which he judged to be the most just, fair, and honest.

Earl *Stanhope* allowed, that the noble and learned Lord's speech, as to the general subject of bills, was excellent; but he insisted that it was not in the least applicable to the present question; and he thought he had the noble and learned Lord in a dilemma, from which he could not easily escape; and first he would state to the House, that the present bill was for a public benefit without even the remotest danger of committing any depredation on private property: for the new bridge, when completed, would afford to both the parishes in question double, treble, aye ten times the emolument of what they now possessed on the ferry; and therefore the noble and learned Lord was wrong in supposing that private property was hurt; he wished that all sub- Earl Stanhope.

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jects should be thoroughly understood before they were commented upon; for he was certain, that if the noble and learned Lord had made himself master of the present one, he would have said as much in favour of the present bill as he had said against it: he gave him credit for his assertion; but at the same time the noble and learned Lord well knew, that any amendment to the bill would prove fatal to it in the other House, where it was considered as a money-bill; and he was the more surprised at the noble and learned Lord's opposition, as he was a person who so carefully watched what passed through the House, and whose memory was not so bad as to make him forget that in the last commission, which commission he now held in his hand, the Royal assent was given to a bill for making roads to this very bridge, which the noble and learned Lord now wanted not to be built; for the clause he proposed would effectually go to that purport. There was indeed somewhat singular in the noble and learned Lord permitting that same bill to pass without any observation on the strange plan of making and repairing roads to a bridge not yet built, and which, it now seems, was never the intention of the noble and learned Lord, as far as in him lay, to permit to be built. What would the world say to the wisdom of the House of Lords that first passed an act to make roads to a bridge, and then rejected an act to enable such bridge to be erected. For these reasons, and because he saw not any one solid reason or good argument in what fell from the noble and learned Lord, he should be for passing the bill in its present form; indeed every man of sense must be of the same opinion.

Duke of Norfolk.

The Duke of *Norfolk* said, that he candidly gave the noble and learned Lord credit for the excellent doctrine laid down by him in respect to private bills, and that he should at all times be happy in giving his assistance to watch and detect all plans that might be laid to the injury of individuals by those private bills; but in the present instance, he thought the argument urged did not apply; for there certainly could not arise any injury in the present case. The bill was for the purpose of a public convenience, by substituting a bridge over that part of the river Trent, in Nottinghamshire, where there was no passage at presenr but a ferry; the ferry, it was very true, was private property, and would be abolished by the erection of the bridge—but then as the noble Earl stated, the parishes to which the emolument of the ferry belonged, would be in a tenfold manner recompensed by the commerce and the profits which the convenience of the bridge must bring to them. There was no man, he avowed, who had a greater regard to private

property than he had; nor any man who would be more forward to oppose any bill which tended to do it an injury: he must, however, in the present case declare, that the bill on the table was for the purpose of effecting a general good, without doing the least injury to private right. Indeed it was somewhat strange that the noble and learned Lord should singly stand up and oppose this bill in behalf of the two parishes alluded to, when the inhabitants of those parishes, who were well acquainted with their own interests, conceived the bridge to be of the most essential advantage to them: had the case been otherwise, Parliament no doubt would have had a petition from them, whereas no such matter appeared; and therefore it was natural to suppose, that they were well satisfied with the bill. The emoluments arising from the ferry, he was told, did not amount to more than 5l. per year—a sum so paltry in itself, that it was not to be put in competition with the general benefit that was to arise: besides this, if a toll were parochially allowed, the emoluments would soon amount to an enormous sum, and be totally repugnant to the plan of convenience laid down in the erection of the bridge. For these reasons he should certainly give his vote for the bill passing in its present form.

The *Lord Chancellor* thanked the noble Duke for his candour, which he said was a leading feature in his character, and to *him* he would with cheerfulness reply, because what he said was in the language of good sense; but to the wild ideas of dilemmas, and such words, he had no answer. He declared again, that he was unconnected with all the parties in this bill; that he did not know one of them; that he never was in Nottinghamshire in his life, and probably never should be there: his ideas merely went to the justice of the case; but as the other Lords seemed not to take it up in the same point of view, he should not harrass the House with any motion, but let the bill be read without any farther comment. Lord Chancellor.

The bill was then read.

*Thursday, 19th April.*

The Earl of *Coventry*, as soon as the order of the day was read, entered into an eulogium on the commercial treaty, and the consolidation-duty bill, which was this day to be the subject of their Lordships consideration. He allowed, that the principles which commanded respect in former times, still held their estimation; but the mode was altered in respect to the executive part of our constitution. Some ideas had arisen, that the procedure of the consolidation of the duties Earl of Coventry.

duties was not strictly conformable to the rules entered upon the journals of Parliament; but as far as his abilities went, it clearly appeared to him, that, in the present instance, there was not any cause for an objection of that kind; and considering it in that point of view, and being a strenuous well-wisher to the present system of government, he should move, "that the bill be committed for Friday."

The Earl of Carlisle.

The Earl of *Carlisle* considered the bill to be of very great importance; it respected the well-being of our constitution; it materially affected the rights, liberties, and indeed the very existence of the House of Lords, as a free branch of the Legislature, and therefore demanded a most serious investigation. The custom of Parliament, since Parliaments were deemed to be of consequence in this kingdom, was, that two matters of a distinct and separate nature were not to be joined in one and the same bill; but as an *ipse dixit* on such an occasion as the present could have but little weight, unless it was enforced by the auxiliary assistance of proofs to substantiate its validity, he should take the liberty of calling in the aid of several resolutions on their Lordships' Journals, the letter and spirit of which were so directly repugnant to the system which the present bill went to establish, that he trusted every noble Lord would see the propriety of not unconditionally acceding to the motion made by the noble Earl. The bill contained such an immense variety of matter, formed on so many hundred resolutions, and complicated in such an intricate political system, that it really carried an alarm in its title. It went to the formation of a precedent that must make a cypher of the House of Lords, subvert the constitution of Parliament, and overturn the dearest rights of the People. To prove this, he desired the clerk to turn to the journals in the reign of Charles the Second, when some attempts were made to introduce a new plan of government.—It was at the time that Sir Heneage Finch, afterwards Earl of Nottingham, was Chancellor; and perhaps there was not an argument in the power of man which spoke stronger against the principle of the bill now moved to be committed, than the order then entered upon the journals of the House. It stated, that any bill brought into Parliament, which connected with a money bill, any matter in itself abstracted from that money bill, and which was tacked thereto for the purpose of gaining an assent to the one, because the other claimed the necessity of an assent, was unconstitutional, and subversive of the rights of the People. The Earl of Carlisle dwelt on this point, in order that, as the present bill purported to raise money by new taxes, at the same time that it wore the double appearance of a consolidation of the customs and excise, and a reciprocal commercial

cial treaty with France, Spain, and Portugal, it was in fact a direct negative to all the precedents on the journals, and a disdainful want of respect to the wisdom of those Parliaments to whom Great Britain stands indebted for all that she now possesses. His opinion therefore was, that the subject should be divided, that the treaty with France should be one thing, the consolidation of the duties another, and the new tax a third matter. He should for these reasons oppose the commitment, and if that was carried, he meant to offer two motions to the House. He begged that this opposition should not be considered as arising from any party motives; it sprung from a real regard to the constitution, whose free existence must be materially injured if the present bill passed into a law.

Lord *Sydney* professed himself of a quite different opinion from the noble Earl. The bill was a good one, inasmuch as it went to promote peace abroad, and do a service to the revenue at home. He loved the constitution, he said, as well as any man, and therefore did not mean to injure it. He thought the bill very proper, and therefore of course he should give his affirmative to the motion made for its commitment. Lord Sydney.

Lord *Portchester* observed, that he expected something from the noble Lord in reply to what had been advanced by the noble Earl who spoke second in the debate. But such was the barrenness of argument, and the total want of justice, that Ministry refused to support their measures. The matter now before the House, was so plain in itself, that ingenuity could not baffle it even by sophistry. The bill was a direct attack upon the constitution, and an open declaration to their Lordships, that in future they were to be considered as cyphers in the Legislature. What else could be the result of a bill which openly tacked to a political matter a money consideration, merely for the purpose of insulting their Lordships with this threat, "If you refuse what we send as to the new duties on timber, "&c. you then refuse the commercial treaty." This he conceived to be a very high offence to the constitution, and something not far from a declared opinion of Ministry, that the House of Lords was a cypher. Lord Portchester.

The Earl of *Hopetoun* defended the conduct of the Ministry in joining the two bills, and observed, that, thus coupled together, they made a complete commercial system. The Earl of Hopetoun.

Lord *Walsingham* entered into the treaty with France and Spain, and accounted for the connection of matter in the present bill, by saying that there were precedents to warrant it. Lord Walsingham.

Viscount *Stormont* remarked, that he was extremely unhappy to observe so much want of attention, and of respect Viscount Stormont.

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in Ministers to the privileges of Parliament, as the bill now on the table indicated them to possess. He trembled for the consequences of the debate. He was afraid it would leave a precedent behind it of the most fatal tendency. It was not merely for a parliamentary form that they were contending, but a constitutional principle, and a principle the wisdom and utility of which were manifest. To argue that this bill was not complicated and heterogeneous, was to argue in a way very loose indeed; for what could be more opposite than the internal regulation of duties, and the final arrangement of a great external contract. Surely if these things had been huddled together by chance, they ought not to be defended by argument. Taking it in a no more hostile way than that they had been all confounded in the same bill, merely to save time, or to save labour, were they merely for the sake of a convenience to sacrifice a principle? The constitution was involved in the question; for the standing order of the House stated, that "the annexing any foreign "matter to a bill of aid or supply was an unparliamentary "proceeding, and destructive of an essential principle of the "constitution." It was certain that the most enlightened of our ancestors thought it so essential to prevent the House of Commons from mixing with bills of supply any other matter, that innumerable precedents occurred in the journals, of the spirit and determination of the House in rejecting bills under that imputation. In a speech of Lord Chancellor Northington, he said that the mixture of any matter incongruous ought to dispose the Lords at all times to reject any bill of supply so presented to them. Viscount Stormont professed his astonishment that the noble and learned Lord on the woolsack, whose vigilance and zeal in maintaining the dignity of the House he had ever remarked with pleasure, should on this occasion be supine and indifferent.

Lord Hawkesbury.

Lord *Hawkesbury* observed, that the regulation of the House with respect to complex money bills was perfectly sound and wise. The standing order was founded in the best policy, and he was persuaded their Lordships would constantly preserve their privileges. But he must observe, that after looking through the journals of the House for precedents, he found that the protests had been entered against bills of supply for the service of the year, and not against money bills of the nature of the present, where the money was a diminutive object, and came in, not as a matter of supply, but collaterally as a branch of a system. He enumerated the several protests on the journals on this head, and contended, that the bill now before the House was by no means of the kind which excited the jealousy of the House,

or on which they thought it necessary to shew the exercise of their right. He stated the reasons for coupling the several subjects together; though different, they were connected. The book of rates was to be made out, and to the complete arrangement of that book the junction of the measures was required. He answered the arguments that had been thrown out respecting the reduction of Portugal and Spanish wines, and concluded with a comparison of the miserable and shattered condition of France, as recently exemplified in the dismission of her Ministers on account of the clamours against them—with the flourishing state of England, where, in proposing means for the simplification of the duties, and the collection of the revenue, though the debt was so large, and the taxes so heavy, there was a spirit that made us harmonize in the means, and an ability that made us sustain the task.

Lord *Loughborough* could not sit silent, he said, under the very strange and very new doctrines thrown out by the noble Lord who spoke last, on the difference between bills of supply and mere money bills. It was a novelty of the most alarming kind, and went to the destruction of the constitutional principle on which the standing order was founded. He contended, that their dignity was annihilated, and their use in the Legislature at an end, if they were not at liberty to use their discretion whenever the House of Commons chose to insert a clause about money in any bill that they wished to rescue from the danger of deliberation. He asserted, that the subjects in the bill before them were most opposite in their nature, and that the argument that they had the most distant connection with one another ecould not be sustained even for a single moment. Ld. Loughborough.

The *Lord Chancellor* observed, that no one Peer could feel more sensibly than he did the necessity of supporting the dignity and the privileges of the House. It was his most fervent wish to preserve the rights in the most sacred purity, and he thought no one thing was more essential to their true importance than the right of preventing any money bill from coming before them coupled with other matter. But the present bill was certainly not of the quality that could excite the alarm of the House. He argued against the idea of its being a money bill in any respect more than they would call a turnpike, or a canal bill, a money bill. The Lord Chancellor.

Earl *Stanhope* remarked, that, without meaning any thing hostile to the present Minister, he must deliver his solemn opinion against the doctrine of the noble Lord lately come into that assembly (Lord Hawkesbury). It was a doctrine which struck at the root of the constitution, and which Earl Stanhope.

demolished a privilege not appertaining to the House in their own right, or for their own honour, but as a sacred deposit in their hands as trustees for the People.

Lord Hawkesbury explained, and defended his opinion.

Ld. Loughborough. Lord *Loughborough* maintained his argument, that it was a violation of constitutional principle to suffer the bills thus huddled up into one to pass at all, especially as no inconvenience could possibly arise from waiting for a day or two.

The question was then put on the commitment, Contents, 70; Not Contents, 29.

The House adjourned.

*Thursday 26th April.*

The Duke of Norfolk. The Duke of *Norfolk*, after having consulted with the Lord Chancellor, moved, "That the bill for relief of insolvent debtors might be read a first time."

The bill was accordingly read a first time; after which

His Grace again rose, and observed, that the prisons of this kingdom were crouded with unfortunate debtors, whose distresses were so great, that they claimed the commiseration of the Legislature. An idea had gone forth, that a number of them had surrendered in expectation of an insolvent bill, with intent to defraud their creditors. But so far was this report from being founded in fact, that the persons who were the greatest sufferers, and had been longest in prison, were willing to submit to any inquiry, however strict, in order that their motives might be discovered, being conscious that the imputation against them was unjust. In order that sufficient time might be given to make an inquiry, he begged leave to move, "That the bill might be printed, and that it might be read a second time on Tuesday the 8th of May.

The prisoners, he added, had no desire but that every precaution might be taken to secure their remaining property for the use of their creditors, and that the utmost care might be used to prevent frauds; but, at the same time, they threw themselves upon the mercy of the House to relieve them from their wretched situation by passing the present bill.

The motion passed, and the House adjourned.

*Tuesday, 8th May.*

Earl Bathurst. Earl *Bathurst* brought forward the subject of the American debt-bill, and stated, that a great number of loyalists, who had taken refuge in this country, and were in effect outlawed in America, where they could not bring actions for the recovery

covery of their debts or [illegible], were, notwithstanding, harrassed with actions in this country, for debts owing in America, in some instances by the very persons who were themselves indebted in much larger sums to the defendants, if justice could be obtained in America. Those proceedings were so contrary to every idea of justice, that he was induced, some time since, to bring in a bill to restrain in certain cases, such vexatious and cruel actions from being pursued in our courts of law. He acknowledged the delicacy of any proceedings in Parliament which tended to prevent the free exercise of justice in the courts of law; but, in the present case, there was no alternative. Either the free exercise of the law must be restrained, or the injured parties must submit to the abuse. He threw this out for the consideration of their Lordships, as he intended to bring forward the bill in the course of the present week.*

The *Lord Chancellor* said, that, on a former occasion, when the bill was read a first time in the House, objections of a very strong nature occurred to him against the passing of it. He always was averse to any impediment being thrown in the way of the free resort of the subjects to the courts of justice, being convinced of the fatal tendency of such measures. However, in the present instance, which was new in the history of this country, and which respected those unhappy persons the loyalists, the severity of whose situation was, no doubt, if properly made out, much to be pitied, he should be willing to hear the case; and, if it were possible, consistent with the reverence due to the laws, to grant relief in a parliamentary way. But, if any other method could be devised to obviate the difficulty, his Lordship would still hold himself at liberty to object *in toto* to any such bill passing the House. The Lord Chancellor.

Lord *Rawdon*, after speaking to the Lord Chancellor, moved, that the order of the day might be read. The clerk accordingly read it for the second reading of the Insolvent Debtors Bill. L. Rawdon

Lord Rawdon then moved that the order might be discharged, and that it might be read a second time on Thursday se'ennight. He grounded his motion upon a letter which he had received from the Duke of Norfolk, in which he said it would at least be a fortnight before he arrived in town. Lord Rawdon therefore desired, out of respect to the noble Duke, that the second reading might be postponed.

Lord *Sydney* said that he wished that the bill was determined one way or another. A great number of applications were continually making by the friends and objects of the bill. He, therefore, wished to be relieved from the anxiety of such Ld. Sydney.

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applications, and he was certain it would be much better for the insolvent persons themselves to have their fate ultimately determined than to have it so hanging on their minds. He desired to know, whether the noble Duke might not be expected in town before so distant a period as Thursday se'ennight; if not, it would be with great reluctance that he should agree to the noble Lord's motion.

The Lord Chancellor. The *Lord Chancellor* observed, that it was undoubtedly at this late period of the session, a considerable length of time to adjourn the second reading for ten days; but, out of the great respect due to the noble Duke, he was agreeable to the motion.

The order was then discharged, and the second reading ordered to take place on Thursday the 17th.

The order of the day was moved by Lord Scarsdale, for the third reading of the pawnbrokers' bill; when,

Ld. Loughborough. Lord *Loughborough* informed the House that, upon looking over the bill, he found, that several of the objections which he had discovered in the bill last year were now removed; and it was, no doubt, rendered more consistent with the principles on which it was meant to be supported. But, yet, there were particular parts of it, which, whether they originated from intention or mistake, appeared to him to merit their Lordships' mature deliberation. The bill was brought in by a certain description of men who followed the business of pawnbroking. *To buy and sell* was, therefore, no part of their occupation. In order to justify themselves in the eyes of the Legislature for retaining so high an interest as *twenty per cent.* on pledges, they had set up a case—that they were at great expences in paying and maintaining a greater number of servants than tradesmen of other denominations who employed no greater capital in trade; and that house-rent and taxes were high in proportion. Now if this case was fairly proved, it must have its proper weight. But then this reasoning operated only in the bills of mortality; whereas the present bill was general throughout England, in parts where the reasons alledged could not possibly operate. He, therefore, was desirous that the present bill might locally extend to the bills of mortality, and that its *duration* might be limited; in order that, if any future complaints should arise, the bill might not have the advantage which every permanent law must naturally have.

He was the more convinced of the propriety of what he had suggested, from the nature of the only existing permanent law respecting pawnbrokers, known by the name of Fielding's act; which was indeed an act to restrain illegal practices and gaming, amongst which was the pawning of linen by persons hired to wash and make it up. This was, indeed,

indeed, the next crime to a felony.' The present act respected the penalty, and obviated the effect of the penal laws.

He mentioned this circumstance as a proof of the loose manner in which the bill was drawn up; but there were several other *very material* objections and alterations which still lay against it, which he would not trouble their Lordships with at present. He therefore intended to move, that it be recommitted for Tuesday the 15th, to a Committee of the whole House.

Ordered.

The House adjourned.

*Thursday, 10th May.*

Mr. *Burke*, attended by the Committee appointed to draw up the articles of impeachment of high crimes and misdemeanors against Warren Hastings, Esquire, and a great number of other members of the House of Commons, went to the House of Peers, and the Lord Chancellor being come to the bar, Mr. Burke addressed his Lordship in the following words:

" My Lord,

" I am commanded, in the name of the House of Com-
" mons, and of all the Commons of Great Britain, to im-
" peach Warren Hastings, Esquire, late Governor General of
" Bengal, of High Crimes and Misdemeanors, and to ac-
" quaint the Lords, that the Commons will, with all con-
" venient speed, exhibit articles against him, and make good
" the same."

The House adjourued.

*Monday, 14th May.*

Sir Francis Molyneux having acquainted their Lordships that there was a message from the House of Commons, and the messengers being ordered in,

Mr. Burke, attended by several other members, presented at the bar, and gave into the hands of the Lord Chancellor, the articles which supported the impeachment of Warren Hastings, esquire, late Governor General of Bengal; saying:

" My Lord Chancellor,

" We are commanded by the Commons of Great Britain,
" to exhibit Articles of Impeachment, of High Crimes and
" Misdemeanors, committed by Warren Hastings, Esquire,
" late Governor General of Bengal, at the bar of this House;
" in the name of the Knights, Citizens, and Burgesses of
" Great Britain in Parliament assembled, in behalf of them-
" selves and all the Commons of this realm."

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The title of the articles was then read by the Lord Chancellor, in his place, and, afterwards, the articles begun to be read by the clerk at the table, when, for the ſake of diſpatch, they were ſhortened as bills in general are, and ſuppoſed to be read a firſt and a ſecond time, without the trouble of repeating the words *verbatim et literatim*.

Ld. Sydney

Lord *Sydney* then roſe and moved, "That Warren Haſtings be ordered to attend at the bar of the Houſe on the next day."

The *Lord Chancellor* put the queſtion, but

Earl *Fitzwilliam* objected to what he termed ſuch an unprecedented mode of proceeding. He ſaid that the ſubject was of the greateſt magnitude; it was an impeachment in the name of all the Commons of Great Britain, againſt a man who had groſſly abuſed a high and important truſt; and it therefore required ſerious and ſolemn deliberation. It was not lightly to be taken up, and, juſt like the complaint of a ſingle individual, merely in common form, treated with the notice of an order for the culprit to appear at the bar. On the contrary, he ſhould ſuppoſe, that the regular mode was, in caſes of ſuch ſolemnity and ſuch magnitude, to move that a Committee ſhould be appointed to examine the articles of impeachment, and to make their report antecedent to any motion for the attendance of the culprit. This he conceived would be a proper reſpect to the meſſage from the Houſe of Commons, and the more regular way for their Lordſhips to enter ſeriouſly into the matter now before them.

The Lord Chancellor

The *Lord Chancellor* excuſed Lord Sydney from meaning any diſreſpect to the Houſe of Commons, who had through the whole of the buſineſs, as far as he underſtood, conducted themſelves with great dignity and with great propriety. He joined with the noble Earl, that the ſubject was, indeed, of high importance, when it came in the name of all the Commons of Great Britain, impeaching a man high in military and civil truſt, with great crimes and miſdemeanors: And, in his opinion, it was very regular to move, that the perſon accuſed ſhould be ordered to the bar, to hear what he had to ſay in his defence. Yet, if the noble Earl thought *that* not ſo regular, there was no doubt but their Lordſhips would adopt any other motion made by the noble Earl, which might ſeem more proper.

Duke of Mancheſter

The Duke of *Mancheſter* ſtated two caſes from the journals, wherein it appeared that three days was given to the Houſe, after articles of impeachment were read a firſt time, and that there was no inſtance wherein their Lordſhips were ſo irregular as to call upon the perſons impeached to come to their bar, and anſwer, before the Houſe had time to conſider the nature of the crime. He therefore, with the concurrence

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of the noble Earl, should take the liberty of suggesting to him, to move, "That a Committee be appointed to inspect the articles of impeachment, and to report their opinion, on Thursday next, and that every Lord who thought proper to attend should be deemed a member of that Committee."

It was, at last, agreed, that a Committee be appointed, and that such Committee do report the result of their proceedings on Thursday.

Lord Sydney's motion was withdrawn.

The House adjourned.

*Tuesday, 15th of May.*

The judges being assembled, the Lord Chief Baron gave the opinion of the judges upon the writ of error, in the case of Parker and Wells. The proceedings were deemed erroneous; the judgment in the court of King's Bench was ordered to be reversed; and a writ of *Venire Facias* to issue, *de novo*, for a new trial in the King's Bench.

Lord Chancellor. The *Lord Chancellor* expressed his satisfaction at the opinion given by the judges, and was upon the point of putting the question, when,

Earl Stanhope. Earl *Stanhope* rose and observed, that it might, perhaps, appear rather singular in him to make any observations upon the present cause, more particularly, as it was a truth universally admitted, that the administration of justice was entrusted with the judges, who, upon important occasions like the present, were always required to give their opinions for the information of the House; but there were certain points, in which the counsel on both sides of the question had agreed; and, therefore, it was perfectly competent for any Lord to draw conclusions from premises thus mutually agreed upon. It had been agreed between the counsel on both sides, that a person who made up materials, produced from his own hands, without purchasing any auxiliary article, was not liable to be affected by the bankrupt laws. Now let us try the cause before the House (said his Lordship) by this rule which is admitted by both parties.

Earl Stanhope then went into a great variety of circumstances, to prove that the case before the House was analagous to that which had been admitted. After having traced the artificial, mechanical, and chemical process used in the several trades and manufactures of this kingdom, and shewn that it was impossible, from the nature of any of them, to form by analogy an argument, that Mr. Parker, the plaintiff in error, was liable to the bankrupt laws, he turned his attention to the express letter of the bankrupt laws, which comprehended such persons as "seek a livelihood by *buying* "*and selling*." This trading might be resolved under five

different heads; first, purchasing of a commodity, and selling it in its crude state for a certain profit—secondly, where an article was purchased in order to bring to perfection some article which the manufacturer himself produced, as for instance, the manufacturer who produced tallow; but it was essential, in making soap, to introduce a proper mixture of oil and alkaline salt, without which soap could not possibly be extracted.—Such a person was, in the Earl's opinion, clearly within the bankrupt laws.—Thirdly, where an article was purchased, and by means of a native production of the manufacturer reduced from one substance into another. Coal into coak, wood into charcoal, was under this predicament.—Fourthly, where any mechanical principle was introduced; and fifthly, where any chemical process was used, so as to make an *essential* alteration in addition to the manufactory, without which it could not possibly be produced. He ascribed all these principles to the case before the House, and contended that neither of them applied to it.

He then took a view of the special verdict, in which it was found that Parker had, in order to produce his bricks, "*been a dealer in fuel and sand*," This finding, he said, was absurd upon the very face of it. Fuel could no more be deemed a component part of bricks than it could of bread, which was baked in an oven. It was indeed, in common with *the open air*, a medium without which the bricks could not be formed; but no man would be absurd enough to say it was a component, or essential part of such bricks. But, the article of sand was more relied on by the counsel at the bar; yet this too, as well as the former, formed no essential part of the brick manufactory. They *might be*, and formerly *were*, made without sand. It was used merely to prevent the adhesion of each brick to the other; and in *this* light it was to be considered rather as a tool, or utensil, in the formation of the article, than as a component part of it Having gone through this investigation, the Earl next expatiated on the great importance of the subject to the landed property. Would monied men rashly venture to advance their money upon mortgages, if afterwards they were, by some nice construction of law, to be put upon the construction of a simple creditor. He then expressed his opinion, that it would be necessary to bring in a bill to explain and amend the law in cases of bankruptcy, which were similar to the present cause before the House. The bill might have a saving clause to exempt any matter or cause now at issue.

The Lord Chancellor put the question, to agree with the opinion of the judges.—Ordered.

The House adjourned.

The

The Sussex Jail Bill, which the House of Commons had substituted in lieu of that which they had rejected, as being a money bill, having been received,

Duke of Richmond.

The Duke of *Richmond* argued in favour of it, and for dispensing with the standing order against receiving a bill so circumstanced. His Grace stated, that the House of Commons had considered it as a money bill, as it gave the Commissioners a power of levying upon the public the expence of building the jail, and had therefore rejected the bill. The Duke concluded with moving, "that the standing order be dispensed with."

The Lord Chancellor.

The *Lord Chancellor* observed that he rose in order to discharge what he termed the most painful part of his duty, as no man could wish less than he did to thwart the wishes of any individuals respecting the object of a private bill; but, as the standing orders of that House were made on the principles of equal justice, and with a view to give the lowest chimney-sweeper in the kingdom his right as readily as it would be given to the first man in the realm, it became indispensably incumbent on him to suggest to their Lordships, that the standing order was directly in the teeth of the motion then before the House. His Lordship then recapitulated the circumstances of the case, and admitted, that it had not been foreseen that the House of Commons would have deemed the bill a breach of their privileges claimed in 1674, but having done so, he must submit it to their Lordships, whether they ought to violate their standing order.

Duke of Richmond.

The Duke of *Richmond* admitted, that the noble and learned Lord had faithfully done his duty in, laying down the principles which he had stated, and coincided in the opinion that every subject, the lowest and most insignificant, as well as the first Peer in that House, had an equal claim to justice, but he begged leave to contend, that the case with respect to the present bill stood on singular and distinct grounds. His Grace stated, what the particulars were that separated the case from ordinary proceedings upon private bills, and persisted in his motion.

Duke of Manchester

The Duke of *Manchester* stood up an advocate for the doctrines stated by the Lord Chancellor, but could not suppress a wish that the fair constitutional, and undoubted privileges of both Houses were clearly defined and established. Without the smallest imputation on that honourable House, he said, it must be admitted that accidental circumstances arose, which occasioned the House of Commons, sometimes, to insist upon unexpected pretensions to privilege, rather lightly. In such cases the miserable shifts to which both Houses were reduced were beneath the dignity of the one as well as of the

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other. No man was a more zealous advocate for the privileges of the Commons of England than himself; but, surely those privileges would be more safe and secure, if the line was so nearly drawn that they could not be inadvertently infringed. There were such particular and forcible reasons appeared in favour of the present case, that he should, certainly, vote for dispensing with the standing order.

The Lord Chancellor put the question, and upon hearing the voices of the contents and not contents, said, "I am "afraid the contents have it."

Lord Rawdon rose to discharge the order for reading the insolvent debtors' bill a second time, and moved that a new order be made for reading it a second time on Monday next.

Duke of Manchester. The Duke of *Manchester* remarked, that the bill involved the prospects of so many distressed individuals, that he hoped, for the sake of mercy and humanity, let the fate of the bill be decided which way it would, it would not be any longer delayed, but that the noble Lord's motion was meant to be effectually complied with, and that the bill would, on Monday, be either gone through and ordered to be committed, or rejected, that the unhappy persons concerned might know what they had to trust to.

Ld. Rawdon. Lord *Rawdon* assured the noble Duke that he had no desire to delay the bill, but on the other hand, an anxious wish to get it passed, conscious as he was how many it would make happy, and restore to society. He declared that he had come down to the House, expecting that it would be read a second time that day, but in consequence of the arrangement of other business, he found that it was rendered unpossible.

Duke of Norfolk. The Duke of *Norfolk* observed, that he had an apology to make for having been the innocent cause of so long delaying a bill, to which he certainly wished well, and which he meant to support. He understood that the bill had been delayed, on account of his absence from town, which had been occasioned by real business, but a mistake had been made as to the time of his return. His Grace declared that he felt every wish to accelerate the passing of the bill, and would give it his best assistance.

Ld. Rawdon. Lord *Rawdon* remarked, that there had been no occasion for the noble Duke to have made any apology, as he was conscious of his good wishes towards the bill. He concluded with moving, "That the House be summoned on Monday next.

Ordered.

The House adjourned.

*Friday, 18th May.*

The order of the day for the Lords to be summoned to take into consideration a motion relative to the election of Scotch Peers, to serve in parliament, having (upon motion) been read,

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The Earl of *Hopetoun* rose, and desired that the resolution of January 1708-9, relative to the votes of Scotch Peers, created British Peers since the union, in cases of election, might be read. Earl of Hopetoun.

The clerk read it accordingly; and it purported, that "At "an election of the Sixteen Peers of Scotland, to represent "the Scotch Peerage in the British Parliament, or of any one "of them, a Scotch Peer, who had been created a British "Peer by patent since the union, should not be entitled to "vote."

The Earl rose as soon as this was read, and observed that the subject on which he had taken the liberty of troubling their Lordships, lay in a very narrow compass. It was clear, from the resolution just read, that the matter had been taken into consideration early after the articles of union between the two kingdoms were settled, and it appeared that it had been very deliberately considered and discussed, before the resolution was put upon the journals. That resolution had remained unquestioned as to its propriety and justice ever since, nor had any Scotch Peer in the circumstances described, which were those of having been created a British Peer by patent, attempted to vote for any of the sixteen Peers returned to represent the Peerage of Scotland in parliament till the last election, when two noble Dukes, who both possessed British Baronies, voted for the two Peers, vacancies for whose seats had been made, in consequence of a late determination of that House. He imputed no blame whatever to the two noble Dukes in question, but as he conceived that their Lordships meant that their resolutions should be effectual, and not remain waste paper, he thought there could be no objection to this motion, the purport of which was, "that a copy of the resolution of January 1708-9, be trans-"mitted to the Lord Register of Scotland, as a rule for his "future proceeding in cases of election." The Earl concluded with moving the resolution in form.

As soon as the motion was read.

*Lord Douglas* (Duke of Queensberry) remarked, that as the motion went materially to affect his rights, he hoped that the House would not precipitately, and on a sudden, decide a question of such a nature, but would suffer him to be heard by his counsel before they proceeded to decision. Ld. Douglas

*Lord Osborne* (Marquis of Carmarthen) said, that the noble Duke appeared to mistake the nature of the motion altogether. It was not a question involving in it considerations of private right, but a plain and simple question, whether that House meant to abide by its resolutions or not. The resolution of 1708-9, was, in his opinion, a clear well-founded maxim, since as the sixteen Peers represented the Peerage of Scotland, who were in fact no otherwise represented, Scotch Peers created British Peers could have no claim to vote, as Ld. Osborne

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they sat in parliament in their own right, and had no claim whatever to any part of the compensation made by the acts of union to those, who, having given up their personal right to sit, could only sit virtually and by representation.

Lord Chancellor. The *Lord Chancellor* earnestly exhorted their Lordships to be cautious how they proceeded precipitately, and on a sudden to decide a question of much greater importance, than it might, upon the first blush of it, appear to be. He stated, that a resolution of either House of parliament, however unanimously carried, did not constitute law. Nothing amounted to, or made law, but what had passed both Houses legislatively, and had received the assent of the Crown in the form of an act of Parliament. The House were now called up in their judicial capacity to re-deliver a judgement that they had formerly delivered. There was no new case before the House, and it was diametrically contrary to the practice of every, even the lowest court of justice in the kingdom, to re-deliver a judgement, unless in consequences of some new case, that made some re-delivery necessary. As a proof how little the resolutions of the House were to be considered as equal to law, he stated that, on the 20th of December, 1711, that House passed a resolution declaring two noble Scotch Dukes, who had been created British Peers, incapable of sitting in that House as British Peers. He reasoned upon the injustice of these two resolutions in proportion to their different effects and operations. The first took away the votes of the noble Dukes as Scotch Peers, and the other deprived them of their seats as British Peers. The resolution of 1711 was, undoubtedly, a very great hardship, and it had lately been done away, but how? Not by resolution, but by an act of Parliament. In like manner if, upon mature consideration and deliberate discussion, it should be thought right to make the resolution of 1708-9 effectual, let it be done by due course of Parliamentary proceeding; let a bill be brought in, and pass through its regular stages, but by no means let the House, acting judicially, decide a matter that involved in it the private rights of individuals. Whenever the question, whether the right of a Scotch Peer, who had been created a British Peer by patent, to vote at the election of Scotch Peers to serve in Parliament came to be finally decided, there were other important considerations to be decided at the same time. For instance, suppose a Scotch Peer was made a bishop; did he, in that case, lose his right to vote at an election of any of the sixteen Peers to sit in Parliament? When a Scotch Peer was created a British Peer by patent, why ought his sons to be deemed ineligible to sit in the other House? These, and a variety of other questions, intimately connected with the Resolution in discussion (his Lordship said) presented themselves to his mind,

mind, which considerable increased the importance of the case, and pointed out the propriety of not precipitately deciding upon the subject. Another consideration was, what was the nature of the office of Lord Register? Was it purely judicial, or purely ministerial? Or was it of a mixed nature? As he took it, the Lord Register was to record the decisions of the remnants of the Scotch Parliament, the Lords of Council, and the Lords of Session; to authenticate certificates of their proceedings, and at an election to take by his clerks the lists of the Lords who voted. He had some time before seen the outlines of a bill for the better regulating the election of the Peers of Scotland; and he could wish to see some such bill brought forward. He could not help approving very much of their electing a Præces of their own number to preside at their meetings instead of the Lord Clerk Register. In short, he was decidedly of opinion that there was a variety of matter which stood much in need of regulation by an act of Parliament.

The Lord Chancellor put the case in different ways, as to the difficulty the resolution of 1708-9 being transmitted to the Lord Register would occasion, whether he were either judicial or ministerial; and contended, that instead of preventing future embarrassment, it would cause great inerease of difficulty to the Registering Officer. He asked, where was a precedent to be found for such a poceeding as was now recommended to their Lordships to adopt? If it were of so simple and warrantable a nature as it had been represented, how happened it, that it had never entered into the head of any one Member of the House of Commons, when an election contest was decided, to move to send down the ground of the decision to the returning officer to be the guide of his conduct at future elections? The Lord Chancellor alluded to Lord Loughborough's speech on the former debate, when the question had been, whether a Scotch Peer, possessing a British Peerage by patent, was eligible to be returned one of the sixteen Peers, and observed, that an authority, that he had quoted, had by the noble and learned Lord been said to be an authority of little weight, as the writer in question had afterwards been put in the pillory. The fact might be so, but the writer in question had himself taken his opinion from an authority not to be disputed,—from the records of the Scotch Parliament. Why then would not their Lordships wait till those records could be consulted? They were (he understood) to be come at, and in Edinburgh, at present. Another ground on which he thought the House's coming, at that time, to a decision of the question improper was, that one of the two noble Dukes, involved in it, was actually out of the kingdom. As two months had elapsed since the election

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took place, he asked, why had not the subject been brought forward sooner, when the noble Duke in question (Duke of Gordon) might have been present? He would not (he said) impute it to design, because he well knew the noble Earl, who had that day made the motion, was infinitely above doing any thing by design that was not perfectly candid and fair; but, surely, the House would not just on the eve of the end of the session, without any sort of explanation given by the noble Earl who made it, agree to the motion behind the back, and in the absence of the noble Duke, whose rights the resolution, once agreed to, would materially injure. The Lord Chancellor pressed the House not to precipitate the motion, declaring, that although the noble Earl had done him the honour to put a copy of it into his hands the preceding day, he had been, at the time, engaged in conversation of so arduous a nature, that he had not sufficiently noticed its tendency; and as the house in general were strangers to it till it had been made, the House might be said to have been taken by surprize, which surely ought not to be the case in a matter of such considerable importance.

Earl of Hopetoun

The Earl of *Hopetoun* declared he had been so short before, because the ground on which the motion stood was so obvious that he had thought it unnecessary to take up the time of the House. The object of the motion was to enforce the resolution of the House, which their Lordships, certainly, meant should be obeyed, and should be the rule of conduct at every election subsequent to the time of originally passing it. It had been obeyed till in the late election, when the votes of two noble Dukes, who had been created British Barons, had been tendered and taken in the face of the resolution. He denied that it at all intruded upon the private rights of those noble Dukes; it left their rights as entire as they were before, and pointed out to them, that if they thought themselves injured, they must apply to that House for a remedy. With regard to his having come upon the House by surprize, he begged leave to deny that charge. He had given notice, that he should make a motion relative to the right of voting at the election of Scotch Peers to sit in Parliament, above ten days before, and he knew not, of any obligation upon a Peer to do more, when he gave a notice than just state what the subject was, to which his motion would point.

Earl Stanhope.

Earl *Stanhope* said that the noble and learned Lord's arguments had been extremely plausible, and extremely fallacious, as he would prove. The noble and learned Lord had declared the right of voting for representation in Parliament to be private right. The very reverse was the fact. The right of voting for parliamentary representation was a public right, vested in an individual as a trust, to be exercised by him for

the benefit of the community. In support of this doctrine Earl Stanhope quoted the authority of the late Sir George Savile, whom he represented as a man of sound judgement, great knowledge, profound sagacity, and unimpeachable virtue and integrity. Sir George used to reason thus: if the right of voting at an election were a private right, any individual possessing it might publicly sell it, as he might legally dispose of any other part of his private property. But the fact is otherwise, it is a public right, vested in him as a trustee, and he is liable to heavy penalties if he sells it. That was the clear and undoubted definition of the right of voting. With regard to the present motion and the resolution of 1708-9, neither of them altered the right of the noble Dukes in question; they only pointed where they should come for a remedy, if they thought themselves aggrieved. To illustrate his meaning, he stated the case of the last Bedfordshire election, where Mr. St. John was returned, and Lord Ongley was a petitioner against a false return. On that occasion, there were two petitions, one against the return, and another upon the merits of the election. In the arguments urged, on considering the case, a distinction had been drawn between the possession and the seat, and it had been agreed, that Lord Ongley was intitled to the return. Upon inquiring into the merits of the election afterwards, the Committee re-seated Mr. St. John. In like manner the present motion concluded upon the possession, but did not decide the seat. The noble and learned Lord (the Earl said) dared not meet him on the question of law, for there he knew the argument was so strong, that no reasoning could shake it. Earl Stanhope declared himself a strenuous advocate for the motion.

Lord *Sydney* observed, that he despaired of doing much good, by the little he had to say, if the arguments of the noble and learned Lord on the woolsack had failed to make any impression upon the generality of the House, but he could not sit still and hear a motion persisted in, that was so unnecessary and so unprecedented. He then repeated several points that the Lord Chancellor had touched upon, and urged additional arguments to ensore them; after which, he took notice, that as their Lordships' Journals furnished no precedent for such a measure, recourse had been had to the other House, in order to find one. He had, he said, spent a great part of his life in that assembly, consequently he was no stranger to its proceedings; but he desired any noble Lord to prove that the House of Commons in any one of their election decisions (and many of them had formerly had a good deal of faction and party mixed with them) ever came to so Ld. Sydney.

strange a resolution as to send down to the Returning Officer, that they had resolved that such a specific principle ought to govern the election of any borough or town in future. He denied that the doctrine stated by the noble Earl, who spoke last, had been the opinion of Sir George Savile, with whom he had always lived on terms of the strictest intimacy. He knew that the noble Earl who spoke last wished for nothing more than a controversy, but he would not indulge him any more than the noble and learned Lord on the woolsack had done, and that probably for the same reason.

Lord Kinnaird. After Lord Sydney had sat down, Lord *Kinnaird* rose and said, that he should not have presumed to offer his sentiments so recently after having had a seat in that House, but that he trusted the peculiarity of the question, which so materially affected the rights of those whom he had the honour to represent as well as of himself individually would plead his apology, and would also secure to him that indulgence for which he should have so much occasion.

The motion which their Lordships were called upon to agree to seemed to him confined within very narrow limits, as its obvious purport and intent was to give full effect, in the first instance, to a solemn determination and resolution of that House as a construction of law, and which construction had been put upon that law within a few months after the different acts relative thereto had passed that House. In objection to this motion it had been stated, that it would not become the solemnity of proceedings usual to that House, suddenly, and at once, to decide upon the rights of individuals without having all the parties before them, which agreeing to this motion would certainly by an indirect mode do. That no precedent whatever could be shewn to this House of its ever having adopted such a resolution, nor did there now appear any evidence whatsoever of the necessity of creating such a precedent.

The noble Lord stated, that to the first objection he should answer, that by adopting this motion the House would only do that which became their dignity to do, by giving that effect and consequence to a solemn construction of the existing statutes by the highest court of judicature, and which the peculiar construction of the office of Lord Clerk Register rendered dubious and uncertain. He perfectly agreed with the noble and learned Lord, that a resolution of that House would not constitute or make a law; but he could not help believing that a solemn construction of the existing statutes by the only court of judicature before which the subject could be agitated, and such construction adopted by the very persons, many of whom had been themselves framers of the statutes, entitled him to assert that to be

law,

law, which otherwise it might have been possible to have entertained doubts of.

The history of mankind had not furnished their ancestors with any example of the union of two countries circumstanced as England and Scotland were in the year 1706, by which the respective rights and franchises of the individuals of Scotland were to be finally settled and arranged, though exceedingly dissimilar to those of the subjects of the country with which Scotland was to become united, and therefore it was not surprising that some of the terms of the treaty might be liable to some misinterpretation, but particularly in respect of the Peerage.

An elective peerage was a thing perfectly novel in its nature, and though much praise is due to the accuracy with which this statute of the 6th of Queen Ann is drawn up, yet it is not very extraordinary that the first election in 1708 should have given birth to a great variety of questions relative to the mode of constructing the acts regulating the manner of elections. Accordingly on that occasion a petition was presented to that House, complaining of a great variety of irregularities; the House, anxious to preclude the possibility of future cavil and doubt respecting the true intent and meaning of the treaty, and of the different acts on that subject, adopted a mode the most suited to its own dignity and solemnity of proceeding, and the best calculated to effect the object it seemed to have in view.

A string of abstract questions were stated to the House, arising out of the circumstances which had happened at the election, and counsel having been heard thereon, it came to solemn resolutions on each, and after having so done ordered a Committee to report as to the number of votes for each candidate, according to the applications of those resolutions: that which their Lordships had heard read that day was one of them, and was the only one which had been attempted to be infringed, although it had been held and considered completely as law for near fourscore years; their Lordships therefore could not be offended with him for affirming that such is the law, when he is sanctioned by the weight of their own authority and the acquiescence of all those who were interested for 79 years.

He could not therefore admit, that the interest of the two noble persons to whom it was reserved to discover that these solemn resolutions of their Lordships were founded on a misconstruction of law, were now before them. He must affirm, that he thought that matter was already settled, and the only object of this motion was, to prevent these noble persons from adopting a mode of making their claim which is injurious to those who thought their rights protected by

this resolution, and indeed, with due deference to their better judgements, this did not seem to him a conduct the most respectful to that House, or the most efficacious for attaining their object.

The noble and learned Lord had given their Lordships a description of the office of Lord Clerk Register; he had it in his power to say, that an honourable gentleman, high in the department of the law in Scotland, had given it as his opinion that the powers of the Lord Clerk Register were by no means accurately defined, it was therefore incumbent on their Lordships to instruct him by their authority how he is to act in a matter which they had already in the most solemn manner settled; for he could not suppose their Lordships would choose, that those to whom alone they had already decreed the right of voting, should be obliged to bring their complaints in a matter where they had received the judgement and protection of that House, or that such a question should be decided on a contested election, when the particular interest of parties or of individuals might so bias the judgement even of that House, as to produce a division according to favour and affection, instead of reason and justice. A noble Duke, whom he saw in his place, had held a very different conduct; instead of attempting to exercise any of the privileges which a resolution of that House had deprived him of, he by petition obtained a reconsideration of the subject, and the House did him that justice, which nothing but the intemperance of party could ever have deprived him of.

This motion had been attacked as being unfair as to the manner of bringing it on in the absence of one of the noble persons, whose rights were interested, and without due communication to the House of its purport. The noble person who is alluded to is not more particularly interested than many other noble Peers who are in the same predicament, and therefore his attendance is by no means necessary. Even in point of fairness, the noble Earl who made the motion surely gave the House ample notice of his intention to make a motion relative to the elections of Peers of Scotland; and as that which he has now made is only a direction to the returning officer for the conduct he is to hold in regard to points which are not now before the House, (for they have already been decided) surely that grave and solemn deliberation, which is so strongly called for, is by no means necessary for the decision of a business which seems so little complex, namely, whether their Lordships would follow up and give proper effect to their own solemn decrees, considered as interpretations of law, and which decrees must be considered as the existing law of Parliament. The noble and learn-

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ed Lord has, with that ingenuity and ability which ever distinguishes what falls from him, introduced into this debate a great deal of matter, which, as not being necessary to the present question, his Lordship did not think it right to enter into; only as the learned Lord had offered his opinion that a new law was highly necessary, in order to regulate several circumstances respecting the manner of conducting the elections of the Scotch Peers, he must assure the House he thought such a bill would be very proper, and that it was very probable that such a one would be offered on a future occasion to their Lordships' consideration.

The necessity for complying with this motion arose out of the conduct which the two noble persons held at the last election, and the uncertainty in which the Lord Clerk Register is left, as to his powers being considered merely as ministerial. When the Peers of Scotland had, with a disinterestedness scarcely to be equalled in history, resigned their hereditary seats in the Legislature, in order to bring about so desirable an event as the Union, they received in compensation the right of sending sixteen of their own number to represent them in this House. The twenty-second and twenty-third articles of the treaty of Union, together with the acts relative thereto, leave no room to doubt who are to be considered as Peers of Scotland, and, as such, entitled to represent or be represented. The noble persons so often alluded to, having regained their hereditary seats in the Legislature, cannot also retain the compensation which had been received in lieu of it. He earnestly entreated their Lordships to recollect by whom and at what period the interpretation, the spirit and words of the treaty of Union, and the different acts on that subject, had received by the resolution so often quoted; and he therefore hoped their Lordships would not hesitate to adopt the motion now on their table, and thereby give that effect to their own resolution, which is becoming their own dignity, and which is so highly necessary to that implicit confidence which has hitherto been placed in their determination.

The Earl of *Denbigh* said, that the whole of the question appeared to him to be much misunderstood; that the case did not stand upon a resolution, as the House seemed to have conceived, but was still stronger; for, instead of a single resolution, it was now the law of Parliament, the House having done an act subsequent to the resolution of 1708-9, and ordered the clerk of the Parliament at the bar of the House to erase the name of the Marquis of Lothian from the return of the Scotch Peers, and to insert the name of the Marquis of Annandale. The Earl expatiated upon that fact, contending that it materially altered the nature of the case. He

The Earl of Denbigh.

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also gave the history of the resolutions of the Scotch Parliament that had been alluded to, and mentioned that the Lords and Commons both sat in one House, and that of course the question that had been there carried, that no British Peer, either then or hereafter, should vote, was a double and a compound question. Had it been divided, he did not conceive it would have been carried. With regard to the rights of the noble Dukes, they were already decided upon; but it ought to be remembered, that the noble Duke who had talked of being heard by his counsel was no longer a Duke in that House; he was only Baron Douglas. At a dance, a ball, a dinner, or fête, either in his own house, or elsewhere, he was Duke of Queensberry, but within those walls he was only Lord Douglas. He had given up his pretensions to any higher title, and he had done wisely—he had gotten a better thing for it. The Earl again reminded the House, that having acted upon the resolution of 1708-9, in the instance which he had mentioned, the House had made it part of the law of Parliament, and therefore, in his conception, they had it not in their power to rescind it, even if the noble Duke (or rather Baron) could persuade them to go that length.

Viscount Stormont

Viscount *Stormont* observed, that the question had been so ably and so fully discussed and supported by several noble Lords, and especially by the noble Earl who spoke last, that he would not take up much of the time of the House by arguing the subject at large. He then combated the arguments of the Lord Chancellor and Lord Sydney, and said, that the noble and learned Lord had thought proper to oppose a resolution of the House, that had been originally carried without deliberation, and had been since condemned and done away by act of Parliament, to a resolution that had been preceded by ample deliberation, and very copious and abundant discussion, and which, till lately, had never been called in question in any manner whatsoever. [The Lord Chancellor said from the woolsack, " both resolutions were carried by the same men."] Viscount Stormont positively denied that such had been the fact, and said, he must, as it was so asserted, go more at length into the history of the two cases than he had intended. He now recapitulated the historical facts of those times, and relied upon them, as incontrovertible evidence of the truth of his argument. He took notice of what the Lord Chancellor had said of the authority of a writer who had been afterwards pilloried, and observed, that as they were by a most unlucky accident deprived of the assistance of that great legal knowledge and ability that had been so essentially displayed in elucidating the former question, he was sorry to hear any part of that noble and learned

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Lord's ſpeech alluded to in his abſence. He complimented the abſent and the preſent noble and learned Lords on their reſpective talents, and ſaid, he hoped in future times they would be looked up to as the Lord Cooper and Lord Somers of their day; but he could not admit that the noble and learned Lord on the woolſack was more competent from his hiſtorical knowledge to ſpeak upon the act of Union, and the intention of thoſe who paſſed the reſolution of 1708-9, than Lord Cooper and Lord Somers, who took part in all thoſe tranſactions, and were principal actors in that glorious ſcene! With regard to the reſolution of 1708-9, it had been acquieſced in for near eighty years, nor had any clerk, till in a late inſtance, dared to take any votes declared by that reſolution to be improper. It became therefore highly neceſſary that the Houſe ſhould enforce the reſolution by ſending a copy of it to the Lord Regiſter of Scotland. He owned that he was a little aſtoniſhed to have heard it ſaid that there was no precedent for that Houſe ſending any one of its reſolutions to a returning officer. Such a declaration muſt have been owing to an accidental lapſe of memory; for ſurely it could not have been forgotten, that ſo lately as the year 1762, ſeveral perſons laid claim to Scots Peerages, and attempted to vote at the election of ſixteen Peers; inſomuch, that their Lordſhips took notice of it, and entered into a ſtring of reſolutions upon the ſubject. Viſcount Stormont remarked that he had one of them in his pocket, which he would read to the Houſe. He then read the words of a reſolution, ſtating, "that whereas William Alexander claims "to vote for the election of Scotch Peers, under the title "of Earl of Stirling, reſolved, that no perſon, calling him"ſelf a Scotch Peer, ſhall be allowed to vote at an election "of Scotch Peers, unleſs his pretenſions to the Peerage "ſhall have been previouſly made out to the ſatisfaction of "this Houſe;" and after ſeveral more of a ſimilar tendency reſpecting different claimants of Scotch Peerages, there followed a reſolution, "that the copies of all the preceding "reſolutions be tranſmitted to the Lord Regiſter of Scot"land." Viſcount Stormont dwelt upon this point, and next mentioned, that one of the ſtring of reſolutions alluded to by him was, "that no liſt, unleſs validly ſigned by two "witneſſes, ſhould be capable of being received." He put the caſe; ſuppoſe that the two noble Dukes poſſeſſing Britiſh baronies, by virtue of patents of creation, who voted at the laſt election, had ſent in liſts not legally ſigned. In that caſe undoubtedly their liſts would not have been received, and then they would have acted in violation of two of the reſolutions of that Houſe inſtead of one only. The

noble Dukes would stand in the same predicament that they already stood in, after the present question was carried.

Ld Douglas. Lord *Douglas* (Duke of Queensberry) admitted, if the resolution of 1708-9 was good for any thing, he well knew that he had no ground to stand upon; but he should still contend that a resolution of that House was not final and conclusive; and therefore, if the present motion were carried, his rights were injured materially, because, if, after the present motion were to be passed, he were to offer to vote at any future election, his vote would be refused, and consequently he should not stand in the situation he then did, as several noble Lords had contended. With regard to the invalidity of mere resolutions, let the House look to their journals, and see how various and contradictory of each other their resolutions were. In the resolution of 1708-9, and the resolution of 1711, how was his noble ancestor (the Duke of Dover) dealt by? One resolution took away his vote as a Scotch Peer, the other took away his seat as a British Peer, and surely he was either a Scotch or a British Peer. He persisted therefore in his claim to be heard by his counsel in defence of his rights before a motion was carried which so far changed the nature of those rights, that it would put him in a worse situation than before, and prevent him from voting in the first instance. Besides, how fallacious was it to tell him, that he should stand where he did, after the motion was carried, when the House in that case would be fortified by their own resolution against any appeal he might bring to their bar, and would have nothing to do but to order their resolution to be read to him, as binding upon themselves, and as a full and complete answer to all that he could have to urge.

The Earl of Morton. The Earl of *Morton* said, that he saw no reason to prefer one resolution of the House to another. As that of 1711 had been considered as unjust, why might not the other resolution of 1708-9 be deemed liable to the same imputation. At least till he heard some good reason to the contrary, he should hold himself entitled so to consider it. The act of Union directed that sixteen Scotch Peers should be chosen by all the Scotch Peerage, to be their representatives in Parliament; why therefore were they to set up distinctions contradictory to an express act of Parliament?

The Duke of Richmond. The Duke of *Richmond* observed, that it appeared to him to be so unjust to pass the present motion in the absence of one noble Duke, whose rights would be materially affected by it; and when another noble Duke standing in the same situation, desired to be heard by his counsel in defence of his rights, that he could not think the House ought on any account to adopt so monstrous a measure, especially when it

was

was considered that the matter had been brought on by surprise. He declared that he waved all consideration of his own personal interest in the question, and had no scrupleto acknowledge that his private opinion was, that the resolution of 1708-9 was right; but under the circumstances of the case, he thought it most unjust to attempt to enforce it in such a way as that proposed, without any petition being presented, any complaint made, or any new occasion formally stated, to warrant the House in its judicial capacity to re-pronounce its opinion. The Duke contended, that no judicial Court ever took upon themselves, upon their own mere motion, and without a new case before them, to promulgate a judgement long since delivered. He recommended a procedure by bill, in preference to the proposed motion, and that this would be acting legislatively, wisely, and justly, because it would remove all ground of complaint of injury, and afford the parties, who conceived their rights infringed upon, abundant opportunity of making out their claims in the progress of the bill through its various stages. He reprobated the observation of Viscount Stormont, that for nearly eighty years no Peer had dared attempt to vote, declaring that, in his opinion, every man, from the highest to the lowest, who thought he possessed a right, was strictly justifiable in endeavouring to avail himself of that right. [Viscount Stormont said, from his seat, "The noble Duke "mistakes me; I never said any such thing."] The Duke answered, that he so understood the noble Viscount. He also took notice of part of Earl Denbigh's speech, and, before he sat down, repeated his assertions, that the House ought not, on any consideration, to come to a hasty and sudden decision on a case of such magnitude, and where there was no real necessity for such extraordinary precipitation.

The Earl of *Denbigh* in explanation went over the principal parts of his former speech, and said, he thought their Lordships would act wisely to enforce a resolution which their ancestors had, for sufficient reasons, put upon their journals. The Earl of Denbigh.

Viscount *Stormont* observed, that, after so pointed an allusion to what had fallen from him, as the noble Duke had made, he was under the necessity of trespassing upon their Lordships' patience for a few moments; he then declared that he had not talked of Peers daring to attempt to vote, but had said, that for nearly eighty years no clerk had dared to accept any votes in defiance of the resolution of 1708-9, till in the instance of the late election. The expression, however, he begged leave to retract, as he did not mean more by the words dare and defiance than to express the fact, that no attempt had been made to vote by any Scotch Peer possessed Viscount Stormont.

of a British Peerage by patent of creation, nor consequently had the clerks of the Lord Register received any vote so tendered. The workings of his mind, when he spoke from powerful conviction, naturally occasioned him to use strong language; but he certainly had no intention to apply harsh terms to any description of persons, whether elevated or humble in their rank and situation. He could have no interested motive for so strenuously supporting the motion. He was related by blood to many of the Scotch Peerage, and intimately connected by acquaintance and friendship with most of them. There were those besides as dear to him as himself, who would be sufferers by the motion being carried, (as far as the possession of an unjust power could be deemed suffering) for those who were to come after him, would sit in that House in their own right as British Peers.

The Duke of Richmond made a short reply, and repeated the main points of his former argument.

The question was put from the woolsack, when the House divided, Contents, 51; Not Contents, 35.

The House adjourned.

*Monday, 21st May.*

The following message from the King was delivered by Lord Sydney.

"GEORGE R.

"It is with great concern His Majesty acquaints their "Lordships, that from the accounts which have been laid "before His Majesty by the Prince of Wales, it appears "that the Prince has incurred a debt to a large amount, "which, if left to be discharged out of his annual income, "would render it impossible for him to support an establishment suited to his rank and station.

"Painful as it is at all times to His Majesty to propose "any addition to the heavy expences necessarily borne by his "People, His Majesty is induced, from his paternal affection to the Prince of Wales, to recur to the liberality and "attachment of his People for their assistance, on an occasion so interesting to His Majesty's feelings, and to the "ease and honour of so distinguished a branch of his Royal "Family.

"His Majesty could not however expect or desire the assistance of the House but on a well-grounded expectation, that the Prince will avoid contracting any new debts "in future. With a view to this object, and from an anxious desire to remove every possible doubt of the sufficiency "of the Prince's income to support amply the dignity of "his

"his situation, His Majesty has directed a sum of ten thou-
"sand pounds *per annum* to be paid out of his Civil List, in
"addition to the allowance which His Majesty has hitherto
"given him. And His Majesty has the satisfaction to in-
"form the House, that the Prince of Wales has given His
"Majesty the fullest assurances of his firm determination to
"confine his future expences within his income, and has al-
"so settled a plan for arranging those expences in the seve-
"ral departments, and for fixing an order of payment
"under such regulations as His Majesty trusts will effec-
"tually secure the due execution of the Prince's intentions.

"His Majesty will direct an estimate to be laid before the
"House of the sum wanting to complete in a proper manner
"the works which have been undertaken at Carleton-house, as
"soon as the same can be prepared with sufficient accuracy,
"and recommends it to their Lordships to consider of ma-
"king some provision for that purpose. G. R."

Lord *Sydney* then moved, that His Majesty's message should be taken into consideration by their Lordships on Wednesday next, which was agreed to. Ld. Sydney.

The third reading of the Post Horse Farming Bill being proposed, as the first order of the day,

The Duke of *Manchester* expressed a wish that the noble Secretary who introduced the bill, would consent to postpone the consideration of it, as there was another bill ordered for that day; the result of their Lordships' determination upon which many unfortunate persons waited in the utmost anxiety, and in all the pain of suspense; he meant the bill for the relief of insolvent debtors; and he hoped that the cause of humanity would prevail in the breast of the noble Secretary, and that he would suffer the discussion of that bill to come on, while there was a full House. Duke of Manchester

Lord *Sydney* declared that he was no less ready than any other Lord, to afford whatever relief circumstances of justice and policy would admit to the unfortunate persons in whose behalf the noble Duke had spoken but that the bill now presented to their Lordships for a third reading had been deferred so often, that he thought it really incongruous and inexpedient to admit any farther procrastition respecting it. Ld. Sydney

The *Lord Chancellor* then took the opinion of the House, which was for proceeding in the regular course of business; when the motion being made for the third reading of the bill, The Lord Chancellor.

Lord *Stormont* beggedleave to ask the noble Secretay (Lord Sydney) what reason he had to adduce in favour of the principle of a bill, if not unprecedented, at least unknown since the Revolution. Viscount Stormont

Ld. Sydney Lord *Sydney* anſwered, that, when other Lords officiated in his department, it was not uſual for them to make an introductory ſpeech upon a bill that came up from the Commons; nor did he think that the noble Lord himſelf, when Secretary of State, had made it his practice. He was ready to meet any objections that might be made to it, but imagined that he was bound to do nothing farther. The Commons themſelves did not require any ſuch previous information concerning a bill that their Lordſhips might ſend down to them for their concurrence.

The Earl of Carliſle. The Earl of *Carliſle* obſerved, that this analogical principle did not apply in the preſent caſe, becauſe they could only concur in a money bill; nor could any money bill be ſent down by them to the Houſe of Commons. Such great innovations, he contended, *did* require ſome general juſtification of them; particularly when there was an aſſertion made, as in the preamble of that bill, that the poſt horſe duty was evaded,—an aſſertion that ſhould not be admitted as an argument without proof.

The Duke of Norfolk The Duke of *Norfolk* acknowledged that it was not neceſſary to account for every alteration in the mode of collecting the revenue; but that *that* now propoſed was ſo violent, ſo arbitrary, and ſo imitative of a mode that had prevailed, but now was beginning to be exploded, in a neighbouring kingdom, that he really did think it incumbent upon the miniſters in that Houſe to give their reaſons for adopting it.

Viſcount Townſhend. Viſcount *Townſhend* ſpoke in defence of the bill. He urged, that it was only the ſubſtitution of one mode of collecting the revenue for another, by which it would be rendered more productive. The tax on poſt horſes bad been eſtimated at the produce of 160,000 l. but by the miſmanagement in the collection, it now produced little or nothing. No argument againſt it ſhould be drawn from the ſimilarity to the mode of collecting the revenues in a neighbouring kingdom; for *there* the farmers general were appointed by the Crown, and were ſubject to its control alone: whereas *here*, they would be ſubject to the control of Parliament, and the bill liable to be repealed, if found inexpedient, the very next ſeſſion. As to the obſervation made by a noble Earl, (of Carliſle) that the abuſes in the evaſion of the duty ſhould be proved, there was not one of their Lordſhips who had lately travelled, to whom the propoſition was not ſelf-evident:—in fact, it was well known, that although the traveller paid the duty to the inn-keeper, it ſeldom found its way into the Exchequer.

Earl of Hopetoun The Earl of *Hopetoun* firſt aſſumed the principles laid down by the Duke of Norfolk, in order to admit their validity, and at the ſame time to contend, that they did not militate againſt

against the principles of the bill. He then followed Viscount Townshend in arguing for the necessity of the bill, to render the taxes already imposed efficient, instead of obliging the minister to lay on new burdens.

Lord *Portchester* contended, from what Viscount Townshend had said in support of the bill, that the preamble was fixed on a deception; for it stated that the duty had been evaded, whereas the noble Lord had admitted that the duty was paid by the traveller, though it did not find its way into the Exchequer: the evil then, he observed, pointed out its own remedy. The payment of the duty should be enforced by penalties; which would not be difficult, as in a fraud it was necessary for at least half a dozen persons to concur. He enlarged much upon the arguments that had been used against the bill in another place, and reprobated the creation of a sect of middle-men and contractors, a kind of *Shylocks* seeking for pounds of flesh, and acting the part of blood-suckers upon the Public. Lord Portchester.

The Earl of *Carlisle* considered the plan which ministers were inclined to adopt as a step to future encroachments, and expressed a suspicion that it would be ultimately extended to the excise and customs. Earl of Carlisle.

Lord *Stormont* went into a discussion of the subject, in which he recapitulated and assembled all the arguments which had been urged against it in the other House during its progress in that department of the legislature. He thought that all the evils complained of might have been very easily remedied, provided the words of the act now existing had been more accurately selected; and if the same sagacity had been used as had been employed by the footman at Paris, who, with all his fraternity, had been prohibited passing through the Thuilleries, but who notwithstanding, had the address to procure admission from the *Suisse*, by informing him that he did not mean to *enter* at all but just *to go out* at the other door.—He asserted that the present bill was founded in principles by no means economical:—the farmer must have a profit, which profit would, in a measure, be retained to the public in the ordinary scheme of revenue collection. Besides, the produce of the tax had been rising. It had risen last year nine thousand pounds. Any scheme, therefore for rendering it more productive, was perfectly superfluous, and as the farm of the tax was to be disposed of at the highest rate, to which it had in any preceding period amounted, on the presumption of a rise similar to that which had already taken place, the public would be a considerable loser by the new system. But he considered it under more formidable aspects. He had no doubt of a secret intention of extending this scheme to every other department of the revenue. The Viscount Stormont.

arguments

arguments by which the innovation was supported, were extremely dangerous,—they appeared plausible. The sudden approach of despotism was little to be feared, as its threatening aspects and mighty strides alarmed every one, and by alarming them, put them on their guard against its dangerous encroachments. This was not however the case with the slower species of tyranny, for, though it proceeded with less rapid strides, it ultimately secured its object with greater certainty. He objected also to the regulations of the bill, so far as they respected the security to be produced by the farmer for the payment of the tax, and shewed that no proper precaution was taken for ascertaining that object. He also endeavoured to illustrate the hardships to which individuals would be exposed, by being left entirely at the beck of the farmer. He in like manner attempted to shew that there was a material difference between the tax on post horses, and that received on letters; and he endeavoured to prove that the revenue arising from the last article was not properly a duty, but an equivalent for labour given.

Lord Hawkesbury.

Lord *Hawkesbury* observed, that there was no danger which could arise to the subject, from the powers to be granted to those who should become farmers of this tax. They would not exceed those with which the Commissioners of stamps were already invested.

The motion was put and carried.

Mr. Burke, accompanied by several Members of the House of Commons, brought up another article of impeachment, and being at the bar, spoke as follows:

"My Lords,

"I am commanded by the Commons to bring here, and "leave with your Lordships, this farther article against "Warren Hastings, Esquire, late Governor General of "Bengal, in farther support of their impeachment against "him."

Mr. Burke afterwards brought up a second message, and said:

"My Lords,

"I am commanded by the Commons to acquaint your "Lordships, that Warren Hastings, Esquire, impeached by "them is in the custody of the Serjeant at Arms belonging "to the House of Commons, ready to be delivered to the "Gentleman Usher of the Black Rod, when your Lordships "shall give order therein."

After the Lord Chancellor had stated the subject of the two messages,

Lord Walsingham.

Lord *Walsingham* observed that there was no branch of the functions of the House in the exercise of which they ought to be more cautious and circumspect than in what related to

their

their judicial character. They ought, also, to be singularly vigilant in such cases, in their attention to the conduct of the other House. *Their* assembly (the House of Lords) was the most august and respectable of any tribunal upon earth, Of all modes of proceeding that by impeachment was the most solemn; and the impeachment then before them was, considering the magnitude of the charges, and the consequence and rank of the person accused, perhaps the most important that ever had been entertained in that House. He had two motions, he said, to make; the one relative to commitment, the other relative to bail.—He went at some length into the nature of the criminal jurisdiction of that House, and its origin; and gave a short history of bail in general,—which he defined to be a delivery of the person of the accused into the custody of his friends, to be by them produced according to the terms of his recognizance, either from day to day, or at any fixed time, as the Court, out of whose hands he was taken, should appoint. Bail was a matter of common right, and was formerly allowed in all cases, treason and murder not excepted, but was afterwards taken away in those cases by statute. The admitting persons impeached to the privilege of bail, had however been the uniform practice of that House. The bail he should propose should be Mr. Hastings's own recognizance in the sum of 10,000 l. and that of two sureties in 5000 l. each. The sums he had stated were the greatest that ever had been demanded by that House on similar occasions, as far as he had been able to ascertain it, and he had searched for precedents with considerable diligence; but perhaps other noble Lords might have made more successful inquiries; if so, he hoped they would state any farther precedents that might have come within the reach of their investigation, as it was highly necessary that the House should proceed upon the fullest possible information. He then went into a general statement of the several precedents that had come within his knowledge. He first mentioned one in which the House had demanded bail to the amount of 2,000 l. the party himself in 1,000 l. and his two sureties in 500 l. each; the remaining precedents were each of them in a progressional increase up to 20,000 l. which was the last he stated; and in that case the party was bound in 7,000 l. and eleven sureties in 1,200 l. each. And he remarked that 40,000 l. had been originally demanded, but, from what reason did not appear, the smaller sum was, after an interval of a fortnight, accepted. Dr. Sacheverel was bound in 6,000 l. himself, and his sureties in 3,000 l. each. He also mentioned many other cases, as that of ship money, of the seven Bishops' adherence to the Pretender, in none of which

which the bail demanded amounted to so much as 20,000 l. He concluded by moving,

"That Warren Hastings, Esquire, be taken forthwith "into the custody of the Gentleman Usher of the Black "Rod, or his Deputy or Deputies attending that House, "and be kept by him or them till the farther orders of the "House."

The motion being read to the House by the Lord Chancellor; it was ordered

A few minutes afterwards, Sir Francis Molyneux, Gentleman Usher of the Black Rod, came to the bar, and informed their Lordships, "that Warren Hastings, Esquire, was in his custody."

It was then ordered, "that Warren Hastings, Es"quire be brought to the bar." Mr. Hastings was accordingly attended to the bar by Sir Francis Molyneux, where having bent his knee, the Lord Chancellor directed him to rise, and ordered the articles of impeachment to be read over.

After the Clerk had proceeded some way, Sir Francis Molyneux said, it was Mr. Hastings' request, if their Lordships thought proper, that the articles might be read short, and Mr. Hastings said, "*my Lords, I request*"——and then stopped.

Duke of Richmond. The Duke of *Richmand* desired that the articles might be read at length, declaring that he was a stranger to their contents, since he had thought it his duty not to look at them, nor inquire about them, till they came regularly before the House; and therefore, as it was a judicial proceeding, he hoped their Lordships would not pass it over without due solemnity, and attention to every part of it.

Lord Chancellor. The *Lord Chancellor* left the woolsack, and said, he had ordered the articles of impeachment to be read over, and he had no reason to think the Clerk would not do his duty. He believed he had hitherto read them at length, and was proceeding so to do when the noble Duke had risen.

Mr. Arnott (the reading Clerk) then went on, and was occasionally relieved by Mr. Cooper.

At half past nine o'clock Lord Dunmore moved, "that "Mr. Hastings might be indulged with a chair," which was immediately consented to by the House.

The reading of the sixth article of impeachment being concluded,

Viscount Townshend. Viscount *Townshend* rose and expressed a wish that the remainder might be concisely read.

Marquis of Stafford. The Marquis of *Stafford* said that it was not consistent either with the dignity of the House, or the honour of Mr. Hastings, that the charges should not be gone through.

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The Duke of *Richmond* was also against the remainder of the charges being concisely read, and wished rather that the reading might be postponed than not fully gone through with; for unless the articles were fully read, it was impossible to judge what bail it would be proper to admit. Duke of Richmond.

The *Lord Chancellor* said, according to the rules of the House, the reading of the remaining articles could not be postponed. Lord Chancellor.

The clerks then proceeded with the remaining articles, which having gone through,

Mr. Hastings made a request that their Lordships would indulge him with a copy of the articles exhibited against him, and that they would order him counsel, and grant him sufficient time to deliver in his answer to the articles.

Lord *Walsingham* arose, and in a short speech concluded with moving, "that Warren Hastings, Esq. be admitted "to bail, himself in 10,000 l. and two sureties in 5000 l. "each." Lord Walsingham.

The Duke of *Norfolk* conceived the bail not to be sufficient; the highest bail on their Lordships Journals (he observed) was 40,000 l. The charges exhibited in the House of Commons against Mr. Hastings were of great enormity, and deeply affecting the national character; he submitted it to their Lordships therefore, whether out of respect to the House of Commons, and in consideration of the magnitude of the charges, it would not be proper to have bail to the amount of 50,000 l. He admitted, that in all cases excessive bail was bad, and contrary to Magna Charta, and declared that if Mr. Hastings, or any of his friends, should object to that bail as excessive, he would not persist in his motion. Duke of Norfolk.

The Earl of *Hopetoun* was of opinion, that the bail first moved for was sufficient; but for the purpose of preserving unanimity, and to prevent any disagreement appearing on their Lordships Journals on so solemn an occasion, he acquiesced in the bail proposed by the noble Duke. Earl of Hopetoun.

Viscount *Townshend* seconded the motion of the noble Duke, assigning as a reason for so doing, that from the extent of the charges and the enormity of the offences Mr. Hastings was charged with, and at the same time believed, that the difference of bail would be no consideration to Mr. Hastings. Viscount Townshend.

The *Lord Chancellor* observed, that as the articles exhibited by the House of Commons contained very considerable and weighty charges, it was necessary to have sufficient bail; but his Lordship said, that excessive bail was always to be avoided, as by such bail any person might be imprisoned, by not having it in his power to procure sufficient Lord Chancellor.

sureties. If such excessive bail was demanded, as it was not in the power of the person impeached to procure, then punishment would be oppression, and the effect of an example would be lost. He concluded by saying, that in his opinion it would be proper to adhere to the precedent on their Journals to prevent their being led astray, and therefore he moved to admit Mr. Hastings to bail, himself in 20,000l. and sureties in 10,000l. each.

The Duke of Norfolk having signified his assent, it was ordered that Mr. Hastings be admitted to bail in 40,000l.

Lord Chancellor. The *Lord Chancellor* remarked, that as the articles exhibited against Mr. Hastings contained transactions which had taken place at many periods and in many scenes, and took in nearly the whole of Mr. Hastings' conduct while in India, it was not possible, in his Lordships' opinion, that Mr. Hastings could draw up an answer thereto during the short period of the present session. He therefore submitted it to their Lordships' consideration, that Warren Hastings, Esq. be ordered to deliver in an answer to the articles in one month's time, or on the second day of the next session of Parliament.

The question being put, it was ordered.

Mr. Hastings was then called in, and having entered with the usher of the Black Rod, and knelt at the bar.

The Lord Chancellor then addressed him to the following purport:

"Mr. Hastings,

"The Lords have allowed you one month, and until the "second day of the next session of Parliament, to make "your answers to the charges alledged by the Commons of "this kingdom against you; you will therefore prepare "what you have to urge in your own defence before that "period. They have also admitted you to bail on the "terms of your binding yourself in twenty thousand pounds, "and your friends in twenty thousand pounds more, as a "security for your abiding the issue of process: they have "likewise allowed you counsel, and you will be so good "as name them."

Mr. Hastings then, bowing, said,—"I thank your Lord-"ships for the great indulgence which you have shewn me: "I am now ready to produce my bail, and my counsel are "the following gentlemen; Messrs. Plomber, Law, and "Dallas."

The Lord Chancellor now asked Mr. Hastings whether his sureties were present?

Mr. Hastings answered in the affirmative, and having offered, as his sureties, Mess. Sulivan and Sumner, the Lord

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Chancellor asked *them*, whether they were housekeepers? and whether, after payment of their debts, they each were worth ten thousand pounds? and being answered in the affirmative, their recognizances were taken, and Mr. Hastings was ordered to withdraw.

The Marquis of *Buckingham* moved, "that the articles "of impeachment might be printed for the use of their "Lordships."

The Duke of *Richmond* seconded the motion. Ordered.

The Lord Chancellor said a few words in support of the motion; after which the motion being put, agreed to, and the paper ordered to be printed,

The House adjourned.

*Tuesday, 22d May.*

The order of the day being read for the House to resolve itself into a Committee on the insolvent debtors' bill,

The Duke of *Norfolk* stated, that there were above three thousand debtors confined in the different prisons of the kingdom, the loss of whose labour was a material injury, not only to their families, but to the Public: *that* circumstance he considered as so strong an argument in proof of the necessity of the House agreeing to pass the insolvent bill sent up to their Lordships by the House of Commons, that he thought it unnecessary to take up their time by any farther discussion of the subject. His object, and that of every noble Lord who meant to support the bill, was to set the *unfortunate* (and not the *fraudulent*) debtors at liberty. The bill therefore contained several restraining clauses for the prevention of fraud and imposition; but if any farther restraints should be thought necessary, he would, most willingly, either introduce or receive clauses for that purpose in the Committee, and so modify the bill, as to render it acceptable to the House, and salutary in its effects with regard to the Public. **Duke of Norfolk.**

The *Lord Chancellor* remarked, that no man would merit a seat in that assembly, or a seat as a magistrate in any court whatever, who could prove insensible to the miseries of the numberless persons suffering in prison, or so malignant an enemy to the happiness of mankind as to feel a satisfaction in their distress; but to act blindly, unguardedly, or capriciously on either principle, was equally unjust, unwise, and impolitic. The Lord Chancellor entered at large into the argument of the inexpediency of acts of insolvency, as well as the manifest injustice of breaking in upon that power of coercion of payment with which the law of this country had armed the creditor for the security of his property.— **Lord Chancellor.**

If there was to be such a thing as imprisonment for debt, it ought to continue unchecked and unrestrained, unless in cases of flagrant oppression and unnecessary cruelty.—The general idea that humanity required the intervention of the Legislature between the debtor and creditor, was a false notion, founded in error, and dangerous in practice. He, who had frequent opportunities of knowing and witnessing the temper of creditors, seldom found cause of complaint on the ground of their severity, but, on the contrary, the lenity and kindness of the collective body of creditors who daily came before him, were uniformly great, warm, and abundant. He had, in aid of his own observation, a great professional authority (whose absence, and the cause of it, every man must lament) for declaring, that for every *twenty* debtors there scarcely ever appeared in the courts of law *one cruel* creditor.—Those, therefore, who imagined the reverse to be the fact, were egregiously mistaken.

It has been said, that the laws respecting debtor and creditor, in mesne process and in execution, stood in need of revision with a view to alteration and amendment: perhaps the assertion was in some degree founded, and he had no scruple to say, that he should be extremely willing to pay every possible attention in his power to the consideration of so weighty and important a subject; but he earnestly conjured their Lordships not to countenance such breaches of faith with creditors as occasional insolvent bills. With regard to the argument that there were three thousand debtors in the different jails, possibly there might be that number, but the number that could be stated under the circumstances of an insolvent bill pending in Parliament, was not the number that ought to be looked to as any guide to that House in forming and fashioning their opinion with respect to the bill under consideration. The number of prisoners in a jail, including their suites, their families and attendants, was one number; the number of actual prisoners, either on mesne process or in execution, was another; and the number of prisoners on the speculation of an insolvent bill was a third number, so that little argument was to be drawn from that consideration worthy of much reliance. A much greater evil than the loss of liberty was the dissipation and corruption that prevailed in all our prisons; to *that* their Lordships had much better direct their attention than to the defrauding the creditor of his chance of recovering of his property by letting loose his debtor, and taking from him the hopes of payment. With regard to the bill under consideration, it was the most objectionable of the kind that he had ever seen: in one part it interfered with the bankrupt laws, and took out of the hands of the

persons intrusted with the execution of those laws, all the causes of bankruptcies now pending, and put them into the hands of justices of the peace. He was not so vain as to suppose that there were not some justices full as competent to do that business as he was, or any other professional man; but, in general, justices of the peace could not execute such offices so well as those whose whole lives had been spent in the practice. The Lord Chancellor drew the distinction between debtors in respect to trade, and debtors of another description. He spoke of the ancient notion under which a tradesman who could not pay his debts was punishable: afterwards, as the principles of trade became better understood, more enlarged ideas prevailed, and the bankrupt laws were instituted for the relief of those traders who had through unforeseen misfortunes incurred debts to a greater amount than their capitals, and the sums owing to them, would satisfy. These laws had ever been a generous provision, as well as a wise protection, for cases of that description. On the other hand those who ran in debt, knowing that they never should be able to pay, were certainly fit subjects of that severity which the law, as it stood, empowered their creditors to exercise towards them. The present bill made no sort of distinction between the two descriptions, but provided equally for the liberation of all debtors of almost every description; and consequently, being indiscriminate in its object, could not possibly be just. He laid great stress on this remark, and then proceeded to state objections to the several clauses of the bill one after another.

With regard to the clause which related to commissioned and non-commissioned officers, he was very ready, he said, to assist to extend the arm of the Public to the relief of that deserving description of men; but then he could not consent to extend the arm of the Public to their relief at the expence of individuals. He spoke of annuitants for less than a thousand pounds being included in the bill as a most improper matter; observing, that though the limitation was to a sum less than 1000 l. per annum to any individual, yet the debtor might have 10,000 l. a year to pay, if it was divided in payment to eleven annuitants.—Another part of the bill that he mentioned with some degree of indignation, was its comprehending within the objects to be relieved by it, traducers of private character, persons found guilty of the most atrocious offences against society, whose punishment fell greatly short of the degree of their enormity. If an information were filed against such wretches, they had the impudence, he said, to threaten a justification; if, on the other hand, an action was brought, and damages

given

given inadequate in every consideration to the proportion of their guilt, they threw themselves into the King's Bench prison, and trusted to an act of insolvency for relief. The clause relative to fugitives beyond sea also challenged his reprehension: he considered such clauses as affording encouragement to bad-minded men to get into debt, go abroad, and after having there spent in dissipation, and at their ease, all the remains of their fortune, or rather of the property of others which they carried off with them, to come back and take advantage of an insolvent act, to enable them to begin their career of fraud over again. After objecting in like manner to some of the exceptions contained in the bill, and condemning almost every part of it, he spoke of the Lords' act, upon which (he said) all such bills as the bill then under consideration was an intrusion. He had been prevailed upon two years ago, by a noble Earl (of Effingham) who had argued with as much gravity and wisdom on the subject, as he ever heard any man argue with, to consent to alter the sum stated, as the limitation in that act, from one hundred pounds to two hundred pounds, which, considering the different value of money now, to what it was when the Lords' act first passed, was not unreasonable.

He stated the history of the Lords' act, shewing, that it went on the principle of the *Cessio Bonorum* in use in Scotland, and he drew from thence an argument against the proposed Insolvent Bill. Another argument urged by him against the bill, was the preamble of the last Insolvent Act, passed soon after the riots of 1780. That preamble was not, he said, his drawing, but that of a much abler man, and the plain meaning of it was, an intimation to creditors, that it was not very likely that any more Insolvent Bills would be passed. Now, though he would admit that one Parliament could undo what a preceding Parliament had done, he asked their Lordships, whether they were willing so wantonly and rudely to trample on the authority of a former act, and break the fœderal compact, which by that preamble they had, as it were entered into with creditors? After a variety of arguments immediately opposite to the bill before the House, he returned to a discussion of the law of imprisonment, and of the management and conduct of our prisons. He said, he had lately had the honour of a conversation upon the subject with a gentleman who was, of all others, the best qualified to treat of it. Mr. Howard, whose humanity, great as it was, was at least equalled by his wisdom; for, a more judicious, or a more sensible reasoner upon the topic he never had conversed with. His own ideas had been turned to solitary imprisonment, and a strict regimen (as the constitution and habit of the living of the debtor might require,) as a punish-

ment

ment for debt; and that notion had exactly corresponded with Mr. Howard's, who had agreed with him, that the great object ought to be, when it became necessary to seclude a man from the rest of society, and imprison him for debt, to take care that he came out of prison no worse a man, in point of health and morals, than he went in. There was a part of the Scotch law, which (the Lord Chancellor observed) he much admired, and that was, punishing those who were concerned in advising a tradesman to turn fraudulent bankrupt, and aiding and assisting him in effecting such a bankruptcy, with more than ordinary severity. That idea he meant particularly to attend to in the project, the mere outlines of which he had, upon the spring in his mind, for the moment, rather than from any digested plan or mature reflection, taken the liberty of rudely suggesting to the House. Another matter which he had in contemplation was, to oblige the creditor to allow the groats agreeable to the Lords' act, and increase them, if the constitution and habit of his debtor should require it. In order to indemnity the creditor for this, he meant to enable him to take out two processes at once (what was called the writ of *fieri facias*, and the writ of *capias*) and to allow the creditor to add the groats to the original debt, for which the estate of the debtor, either in possession, reversion, or expectancy, should be liable. Above all things a strict regimen, solitary confinement, and care to avoid corruption of morals should be the object; Mr. Howard having assured him that the dampest dungeon in the most loathsome jail he had ever entered abroad, was nothing to the corruption and dissipation which prevailed in almost every one of our prisons to the disgrace and scandal of the kingdom. Mr. Howard had told him in proof of this, that a quaker called upon him to go with him to witness a scene, which, if he went singly, he feared would be too much for his feelings: It was to see a friend in distress, a person who had lately gone into the King's Bench prison. When they came there, Mr. Howard said, they found the man half drunk, playing at fives: They were greatly shocked at the circumstance, he asked him to go to the coffee room and take a glass of wine. The man said: no, he had drunk so much punch, that he could not drink wine, however, he would call in at the room and take a glass with them before they went. Mr. Howard and his friend came away with a very different sentiment from that which they had entertained when they arrived at the prison, but with a sentiment not less afflicting to a real friend.' The Lord Chancellor commented upon this story, and, after urging several additional aguments against Insolvent bills in general, and the bill before the House in particular, he concluded with

moving,

moving, "that the bill be committed for the 19th of "June."

Lord Rawdon.

Lord *Rawdon* confessed that he laboured under peculiar disadvantages in having to follow the noble and learned Lord; but, as he saw the policy of imprisonment for debt in a very different light from that in which the noble and learned Lord had viewed it, and thought the abuse of the laws authorising such a practice matter of serious complaint, he must trouble the House with his reasons for entertaining such an opinion. The clauses of the bill, as it stood (he admitted) were extremely defective, and therefore, he wished to go into a Committee to amend these clauses. He would not detain the House by enumerating all the various statutes which had passed, from the earliest periods of our history on the subject of imprisonment for debt; but, merely state the gradations of the modes of proceeding as differently adopted at different periods. He then mentioned, that, originally, so much attention had been paid to the usefulness of each individual to his family and the public, that, whenever his property was seized, his utensils of agriculture were deemed unattachable. Having stated this, he said that the writ of *distringas* was the first process, and that was multiplied till all the property of a debtor was seized.—Afterwards the writ of *capias ad respondendum* was added. And this, in his opinion, was a severe and oppressive process. He, next, traced the custom up to Charles the IId's time, when, in consequence of the change of tenures an alteration was made in the mode of pursuing the debtor, much to his disadvantage, and that mode had been continued to the present moment. He pointed out how liable the law was to abuse, as it stood at this day, and said that although he admitted Insolvent debtors bills to be at best but bad remedies, yet that such remedies must be applied, from time to time, as long as the law remained in its present defective condition. He complimented the Lord Chancellor on his intimation of his readiness to take part in a revision of the law, in the case of imprisonment for debt, but, in the mean time (he declared) he felt it to be his duty to support the bill then before the House. It was the cause of humanity, since the noble duke had stated, that 3000 debtors were locked up in prisons, and surely, the labour of so large a body of subjects was a matter well worthy the most serious consideration of the House.

Earl of Hopetoun.

The Earl of *Hopetoun* supported the bill, and declared, that he would not consent to have it gotten rid of by a shove off for a month, to a period when it was well known Parliament would not be sitting. He appealed to the humanity of their Lordships, whether they would permit a bill, sent up from the other House for the relief of so many of their fellow subjects

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jects to be lost. At least, he hoped they would suffer it to go into the Committee to be altered, amended, and improved; and then, if it passed, late as it was in the session, the House of Commons would have time enough to pass it. The Earl (in the course of his speech) remarked that he would be bold enough to assail the law, and to pronounce it a trap set for the tradesman and shopkeeper, and kept in the hands of the merchant and manufacturer; it was so imperfect, as to make such a bill as the present absolutely necessary: and he farther observed, that it was peculiarly proper, at a period, when we were about to extend our commerce, and in all probability, to require the industry and ability of all our artisans, and all our manufacturers.

Viscount *Stormont* declared, that he had not meant to have said one word on the bill; for, he had not as yet made up his mind to the question, whether a bill of insolvency might not be so framed as to make it fit to pass that House, and therefore, he should not vote at all. With regard to the bill before the House, it was in its present form, the most wild, extravagant and improper of any bill which he had ever seen on the subject. He proceeded to point out objections to various parts of the bill, and entered into a comparison of the *Cessio Bonorum* of the Scotch law, as practised in that part of the kingdom, with the feeble imitation of it contained in the bill. He declared, that the clause about fugitives was highly objectionable, and that its clear purport was to encourage debtors to get away with their creditors' property; since, if they chose to breathe the pure air of France, at Bologna, or in any other town, and get intoxicated with French wine (as he himself had seen them do) instead of going into jail, they were offered an indemnity by the bill. He spoke in terms of high compliment of the reform of the laws of imprisonment for debt, at which the Lord Chancellor had hinted, and said that though it had been no more than a rough sketch, it was a sketch by the hand of a master, by the hand of the noble and learned Lord, who had it in his power to complete the business, and he should consider it as a pledge, that the noble and learned Lord would do it, at some future period, when his leisure served. He reprobated all bills of insolvency as opening a door to gross fraud, and encouraging men to run in debt; and after hoping that the bill would not pass in its present shape, he concluded with declaring, that ludicrous as it might appear, he had heard it seriously argued, that it was a violation of the liberty of a free born Englishman to oblige him to go out of prison. Viscount Stormont.

Lord *Rawdon* answered, that advantage had been taken of the admitted defectiveness of the clauses of the present bill, Lord Rawdon.

to argue against its principle, which was not fair. There were undoubtedly, many fraudulent debtors. His wish therefore was, to amend the bill in the Committee, so as to make the benefit of it extend only to the unfortunate, of which description there were also undoubtedly many. To his knowledge, great numbers who had, against their will, been forced into the service of their country, were, in consequence, now lingering in prison. There were also many of the American loyalists in the same predicament, who had claims upon Government for much more than they owed; and surely their Lordships would not declare that they were not entitled to relief. All for which he pressed, was that when their Lordships were going out of town for pleasure, they would not leave 3000 of their fellow-subjects lingering in prison six months longer.

Lord Kinnaird

Lord *Kinnaird* said that he would not, at that late hour, intrude on their Lordships' patience. He wished well to the bill, and was glad to have heard many of the arguments of the learned Lord on the woolsack, which amounted to an admission of the necessity of such bills passing, till the reform suggested by the noble and learned Lord was adopted.

The question was put, and the House divided,

Contents (for going into the Committee then) 12
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The Lord Chancellor's motion was carried, and the bill lost.

*Wednesday, 23d May.*

Earl Stanhope.

Earl *Stanhope* moved the second reading of the bill, "To "enable the Lord Mayor, commonalty, and citizens of London, to purchase the mooring chains in the river Thames; "and for regulating the lying and mooring of ships and vessels within the Port of London."

Lord Chancellor.

The *Lord Chancellor* observed, that the bill was of very considerable importance, and that it was a very strange proceeding, to bring in such a bill at the very close of the session. The corporation of London were undoubtedly, conservators of the river Thames; but the right of conservation extended only, in his opinion, to the sewers, under the general act of sewers passed in the reign of King Henry the Eighth; to the preservation of fish, and the preservation of incroachments upon the river. It was, however, extremely idle to suppose that the right extended to the whole navigation of the river, which was, in fact, the King's highway. By the present bill, the corporation were to be enabled to purchase the present chains, and to lay on a tax, which (it struck him) was very heavy. They were to take the property into their own hands, in case any dispute arose between the two claimants, and to pay the sum assessed by a jury, to whom they

pleased, without application to any of the courts of law. They were empowered to make bye laws and regulations, for the government of the shipping to any extent. Another clause gave a power to defray any charges or expences of passing the bill, without limiting the sum. A clause equally absurd, prevented any conviction, whether formal or not, from being moved into any superior court. This was clearly illegal, and ought not to be suffered to appear as a precedent. It was so ambiguous, that it was impossible that noble Lords could understand it. The court of Aldermen was undoubtedly respectable; and as individuals, he would rely upon their honour; but they were a fluctuating body, and it was very improper to intrust them with powers not warranted by the strict letter of the law. The commissioners of the customs ought to have been consulted. The Trinity House ought to have been consulted. One or two clauses went to form a kind of mixed jurisdiction between the corporation and the Trinity House, particularly with respect to the harbour masters. This would be productive of endless jealousies and litigation, which ought by all means to be avoided.

The Lord Chancellor now moved an amendment, that the bill be read a second time on the 19th of June next.

Earl Stanhope. Earl *Stanhope* replied, that the objections made by the noble and learned Lord were fallacious. The bill was of so much consequence, that the argument of the lateness of the session was absurd. It became His Majesty's Ministers not to permit Parliament to be prorogued until it had been fairly investigated. When the table was covered with bills, brought in by administration, at the close of the session, it came with a very ill grace for any member of that administration to censure the same proceeding in the city of London, of which they had given the example. To prove the necessity of its passing into a law he begged leave to observe, that he had been informed, from unquestionable authority, that within twenty years past, the merchants had suffered losses, in their shipping, by the improper moorings, of at least five hundred thousand pounds. It was therefore, in fact, the merchants' bill, and brought forward at their particular desire; and the reason why it was not brought in sooner, was because the necessary arrangements were not made with the proprietors of the several chains. So far was the city from wishing to take an improper advantage of the rights of individuals, that a clause was inserted, by which, if any of the proprietors should prove refractory, and refuse to dispose of their right, the value was to be assessed by a jury indifferently chosen. Was not this the case every session of Parliament, with respect to road and inclosure bills? The noble and learned Lord

knew that it was. Upwards of twenty of the chains were in the possession of Sir Peter Burrell, and a few others were in other private hands The city had negotiated with the proprietors, and had obtained their consent to the bill, in order that one general and uniform system might take place, to prevent those losses which had hitherto been the consequence of the total want of regulation. Earl Stanhope illustrated the exceeding irregularity of the moorings of ships upon the river, by the following fact. When the bill was first agitated, the committee of aldermen and commoners went down the river in the city barge, to take a view; but such was the situation of this highway, as the noble and learned Lord had deemed it, that the barge could not pass, even in the middle of the river. The House might easily conceive in what a confused and irregular state the shipping lay The noble and learned Lord had objected to a tax being laid upon ships; it was true Earl Stanhope observed, there was a trifling sum to be levied of four shillings per voyage upon coal ships of 200 tons burden, and so in proportion up to eight shillings; and for every other ship a sum of two and sixpence each voyage; and for ships on foreign voyages one halfpenny per ton. But it was likewise obvious, that the city must advance a very large sum; not less than 70,000l. Surely it was but equitable that they should be indemnified Whatever remained, after this sum was repaid, was to be applied to the improvement of the river. The owners of ships could not, (and in fact, did not) object to this tax, as it was called, because the safety of their property was a hundred, perhaps a thousand times more consequential to them. Upon every view of the question, therefore, he was convinced, that the bill ought to go into a Committee, in order that it might be modified and rendered serviceable to the shipping interest of the first port in the kingdom; and as to an idea of the lateness of the session, he must again observe that it was ridiculous in the extreme, when the table was crowded with bills, which Administration had neglected to the present moment.

Duke of Richmond. The Duke of *Richmond* said that he agreed with the noble Earl in almost every one of his positions; but yet there were parts which required very great amendment. He particularly mentioned the appointment of collectors without security; the manner of distraining upon the ships in case of non-payment; and two or three other clauses. He had besides, an objection against the money, which might accrue after the purchase money was paid, being vested in the corporation. In his opinion, after that period, the chains ought to be perfectly free. As to the application of the surplus to the improvement of the river; this would interfere with the jurisdiction of the Trinity House, which he was confident were

infi-

infinitely more competent, or ought to be rendered so, to that business than the corporation. He was of opinion with the noble Earl, that the precedent of loading the table with bills, and hurrying them through the House, at the last moment of the session, was of a very bad tendency; but even if this should have happened through the neglect of Administration, yet it was no apology for the neglect in the city, in the present instance. He was therefore for the bill standing over to the next session, when it could be introduced with every additional improvement, which might be derived during the recess.

Earl *Stanhope* observed, that if a revenue was not to be received from the chains after the debt was extinguished, it seemed natural to ask by what means would they be kept in repair. Earl Stanhope.

The Duke of *Norfolk* utterly disliked the mode of precipitating bills through the House at the last moment of the session. He had frequently seen the ill consequences of such improper procedure. A case was this moment in point. A bill was introduced into the lower House, under pretence of erecting a court of conscience for recovery of small debts, in a district of three towns in Sussex; and by a sweeping clause, the whole of the jurisdiction of several Courts Baron was entirely taken away. He did not know whether the bill was at present in the House. He was informed by several Peers, that the bill was thrown out in the Commons. The Duke then took a short view of the present bill, and remarked that it was loosely drawn up; and on that account, wanted many amendments; but upon the whole, he was rather inclined to let it go to a Committee, where its imperfections might be cured, and its operation tend to public utility. Duke of Norfolk.

The question was then put upon the Lord Chancellor's motion; when a division was called for; but near thirty Peers going below the bar, and the rest following them, and only five or six staying above, Earl Stanhope gave up the question —and the bill was thrown out.

The House adjourned.

*Thursday, 24th May.*

On the report of the Glasgow bill which was for the purpose of widening the streets and other matters therein mentioned,

The Earl of *Selkirk* opposed it, and moved for a recommitment. He wished to have the street widened 14 feet, and only to allow the proprietors the value of that extent, without a proper consideration for the losses and inconvenience they must sustain by their premises being thus narrowed. Earl of Selkirk.

The Lord Chancellor contended that this would operate as an act of injustice to the proprietors of the houses, and was such as he could not assent to.

The bill was reported.

Ld. Sydney. Lord *Sydney* having moved the order of the day for taking into consideration His Majesty's message, and the same being read, he informed the House, that he had a motion to make for an address, in answer to that message. On this occasion, he wished to represent to their Lordships the great paternal affection which the Sovereign had shewed for the Prince of Wales, and the care which he had taken that the increase of his son's income should not become a burden on his people. He believed that every noble Lord would join him in paying a tribute of applause to the public and private virtues of the Sovereign; and that there would be an unanimity of assent in the approbation of the House on this great and good act of the Father to the Son.—Nothing (he said) was nearer to His Majesty's heart than the welfare of his people, and it was his chief object to preserve them from additional burdens, particularly in respect to his family; but as the Prince's income was not adequate to the expenditure requisite to keep up his rank, and as it was necessary that he should keep up that dignity which such rank demanded, His Majesty thought it proper to lay the circumstance of the case before his Parliament, and to signify that it was his intention to pay ten thousand pounds per year out of the civil list, as an increase to His Royal Highness' present revenue, rather than put an additional burden to that amount on his people: and matters were so arranged, that there would not be a future occasion to come to Parliament for a farther supply than what the liquidation of the Prince's debts at present demanded—all which should be ascertained with the most minute exactness.

Lord Sydney then moved, "that an humble address be "presented to the Throne, expressing the high sense of duty "and affection which their Lordships entertained for His "Majesty and his illustrious family; and that they beheld, "with pleasure, his paternal love for his royal Son, and his "fatherly affection for his people."

The Lord Chancellor read the address, and putting the question thereon, all the Lords cried out "Content!"

Lord *Sydney* moved, "that the Lords with white staves do "wait on His Majesty to know when he will be graciously "pleased to receive the address," which was ordered accordingly, and then the House adjourned.

*Monday, 28th May.*

A message from the Commons having been intimated, and the parties attending, ordered to be called in,

Mr.

Mr. Burke appeared at the bar, and produced the remaining articles of charge which the House of Commons had found against Warren Hastings, Esq. and assured their Lordships that they would prove the same. The articles were, the 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, and 20th.

Progress having been made by the clerk in reading the above articles, the House was moved by

Lord Walsingham, that Warren Hastings, Esq. be ordered to appear at their Lordships' bar, which was agreed to.

Sir Francis Molineux then withdrew, and, on his return, informed their Lordships that Warren Hastings, Esq. was in waiting, and ready to obey their commands. He was then ordered to be brought in, and knelt at the bar as on the former occasion. He was desired by

The Lord Chancellor to rise, and informed that various other articles of charge had been presented against him by the House of Commons. Those articles were read, short.

Mr. Hastings was then desired to withdraw, which he did, and the House was moved by

Lord Walsingham, to order that Warren Hastings, Esq. be furnished with a copy of these articles of charge, and allowed one month and the second day of next session of Parliament to prepare answers to the same. This being agreed to, and Mr. Hastings being called in, he came up to the bar, and kneeling again, was desired by the Lord Chancellor to rise, and acquainted with the determination of their Lordships relative to the subject before them. He bowed, and at their Lordships' desire, withdrew.

The Earl of Galloway then moved, that the House adjourn 'till the ensuing Wednesday, which was agreed to accordingly.

*Wednesday, 30th May.*

His Majesty went in the usual State to the House, and being seated on the Throne, the Commons were sent for.

The Speaker addressed His Majesty as soon as he came to the bar, and stated, that he had brought up with him two bills, by which the House of Commons had granted to His Majesty an additional supply. He said, that it was with the highest satisfaction that His Majesty's faithful Commons had been able to provide for the services of the current year, without being obliged to have recourse to any new loan. He mentioned likewise that the House had attended to the arrangement which His Majesty had lately recommended, and had unanimously voted the necessary provision for a distinguished branch of his own family. He then proceeded to

enumerate

enumerate the tranſactions of the ſeſſion, nearly in the order in which they had been recommended to their attention by His Majeſty, in his ſpeech from the Throne. He ſaid, that they had taken ſuch meaſures as appeared to them moſt likely to carry into effect the ſeveral articles and conditions of the treaty of navigation and commerce, which His Majeſty had concluded with the Moſt Chriſtian King; that the ſtate of the revenue had engaged their moſt conſtant attention; and that it had been an eſpecial object with them to ſecure it in ſuch a manner, as ſhould beſt ſupport the national credit, and add to the proſperity and ſafety of His Majeſty's dominions; and that they had paſſed bills containing regulations for the eaſe of the merchants, and for ſimplifying the public accounts in the various branches of the revenue.

After which, the bills in readineſs received the Royal aſſent. His Majeſty was then pleaſed to deliver a moſt gracious ſpeech. [See Commons' Debates, p. 421.]

Then Lord Thurlow, Speaker of the Houſe of Lords, by His Majeſty's Command, ſaid,

" *My Lords and Gentlemen,*

" It is His Majeſty's royal will and pleaſure that this Parliament be prorogued to Tueſday the 31ſt day of July next, to be then here holden; and this Parliament is accordingly prorogued to Tueſday the 31ſt day of July next."

THE END OF THE TWENTY-SECOND VOLUME.